



THE COMMITTEE AGENDA & REPORTS

for the meeting

Tuesday 17 September 2019
at 5:00 pm

in the Colonel Light Room
Adelaide Town Hall

Members - The Right Honourable the Lord Mayor [Sandy Verschoor];
Councillor Abiad (Deputy Lord Mayor) (Chair)
Councillors Abrahamzadeh, Couros, Donovan (Deputy Chair), Hou, Hyde, Khera, Knoll,
Martin, Moran and Simms.

1. Acknowledgement of Country

At the opening of the Committee Meeting, the Chair will state:

'Council acknowledges that we are meeting on traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kaurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.'

2. Apologies and Leave of Absence

Nil

3. Confirmation of Minutes – 3/9/2019 [TC]

That the Minutes of the meeting of The Committee held on 3 September 2019 and the Minutes of the Special meeting of The Committee held on 3 September 2019, be taken as read and be confirmed as an accurate record of proceedings.

4. Exclusion of the Public

4.1. Exclusion of the Public to Consider [2018/04291] [Page 3]:

For the following Item for Discussion Forum Item in Confidence:

5.1. Strategic Property Matter [s 90(3) (b) & (d)]

5. Discussion Forum Item in Confidence

Strategic Alignment – Liveable

5.1. Strategic Property Matter [2018/02324]

To be distributed separately

6. Discussion Forum Items

Strategic Alignment – Liveable

6.1 Presentation - Adelaide Airport Masterplan

Strategic Alignment – Smart

6.2. North Adelaide Parking Review Update [2019/01014] [Page 6]

6.3. Future of Heritage [2019/00218] [Page 26]

Strategic Alignment – Creative

6.4. City of Adelaide Lighting Strategy [2018/04331] [Page 54]

Strategic Alignment – Green

6.5. River Torrens and Torrens Lake Management [2018/02525] [Page 76]

7. Items for Consideration and Recommendation to Council

Strategic Alignment – Green

7.1. Lot Fourteen Renewal SA – North Terrace Upgrade Tree Removal [2009/01983] [Page 101]

Strategic Alignment – Liveable

7.2. E-Scooter Trial Update [2019/00296] [Page 140]

7.3. Men's Shed Project [2017/01664] [Page 144]

7.4. City of Adelaide Submission - Local Nuisance and Litter Control Act 2016 Minor Review [2018/00133] [Page 149]

Strategic Alignment – Creative

7.5. Adelaide 500 2020 Declarations Consultation [2019/00690] [Page 179]

8. Council Member Discussion Forum Items

9. Closure

Exclusion of the Public

ITEM 4.1 17/09/2019
The Committee

Program Contact:
Rudi Deco, Manager
Governance 8203 7442

2018/04291
Public

Approving Officer:
Mark Goldstone, Chief
Executive Officer

EXECUTIVE SUMMARY:

It is the recommendation of the Chief Executive Officer that the public be excluded from this Committee meeting for the consideration of information and matters contained in the Agenda.

For the following Discussion Forum Item in Confidence:

5.1. Strategic Property Matter [s 90(3) (b) & (d)]

The Order to Exclude for Item 5.1:

1. Identifies the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence
 2. Identifies the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public
 3. In addition identifies for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.
-

ORDER TO EXCLUDE FOR ITEM 5.1:

THAT THE COMMITTEE:

1. Having taken into account the relevant consideration contained in s 90(3) (b) & (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 17/9/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 5.1 [Strategic Property Matter] listed on the Agenda.

Grounds and Basis

This item contains certain information of a confidential nature (not being a trade secret) the disclosure of which could reasonably expect to confer a commercial advantage on a person with whom the Council is conducting business, prejudice the commercial position of the Council and prejudice the commercial position of the person who supplied the information and confer a commercial advantage on a third party.

More specifically, the disclosure of certain information in this committee could reasonably prejudice the commercial position of Council given that the City of Adelaide Council land holding is the subject of commercial negotiations.

Public Interest

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances given that information within this update pertains to commercial negotiations for a City of Adelaide land holding. The release of such information may severely prejudice the City of Adelaide Council's ability to influence a proposal for the benefit of the City of Adelaide, Council and the community in this matter.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)* this meeting of The Committee dated 17/9/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 5.1 [Strategic Property Matter] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (b) & (d) of the Act.

DISCUSSION

1. s 90(1) of the *Local Government Act 1999 (SA)*, directs that a meeting of a Council Committee must be conducted in a place open to the public.
2. s 90(2) of the *Local Government Act 1999 (SA)*, states that a Council Committee may order that the public be excluded from attendance at a meeting if the Council Committee considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in s 90(3).
3. s 90(3) prescribes the information and matters that a Council may order that the public be excluded from.
4. s 90(4) of the *Local Government Act 1999 (SA)*, advises that in considering whether an order should be made under s 90(2), it is irrelevant that discussion of a matter in public may:
 - 4.1 cause embarrassment to the council or council committee concerned, or to members or employees of the council; or
 - 4.2 cause a loss of confidence in the council or council committee.’
 - 4.3 involve discussion of a matter that is controversial within the council area; or
 - 4.4 make the council susceptible to adverse criticism.
5. s 90(7) of the *Local Government Act 1999 (SA)* requires that an order to exclude the public:
 - 5.1 Identify the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
 - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
 - 5.3 In addition identify for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.
6. s 87(10) of the *Local Government Act 1999 (SA)* has been utilised to identify in the Agenda and on the Report for the meeting, that the following matter is submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 5.1 – Strategic Property Matter
 - 6.1.1 Is subject to Existing Confidentiality Orders dated 15/1/2019, 23/2/2019, 5/3/2019 & 12/3/2019
 - 6.1.2 The grounds utilised to request consideration in confidence is s 90(3) (b) & (d)
 - (b) information the disclosure of which—
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest;
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which —
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest;

ATTACHMENTS

Nil

- END OF REPORT -

NORTH ADELAIDE PARKING REVIEW UPDATE

Workshop Purpose:

To inform members of the progress of the review to date and gain direction on possible amendments for the remainder of trial

A SMART CITY WITH
A GLOBALLY
CONNECTED AND
OPPORTUNITY RICH
ECONOMY

SMART

PROGRAM: CUSTOMER & PEOPLE

AUTHOR: Lisa Loveday | APPROVING OFFICER: Vanessa Godden
The Committee Meeting - Agenda - 17 September 2019



KEY QUESTION

What are Members views on the reversal of some of the parking control changes back to unrestricted parking, in areas adjacent to Park Lands which have been identified as particularly supporting hospitals and St Dominic's Priory?

KEY QUESTION

What are Members views on the expansion of the Trial Permit criteria?

At its meeting on 12 March 2019, Council resolved the following:

1. Approves the installation of time limit parking controls in North Adelaide in the 10P bays and approximately half of the unrestricted parking areas with a view to reducing commuter parking as detailed in [Attachment A to Item 4.1 on the Agenda for the meeting of The Committee held on 5 March 2019](#).
2. Approves a trial of relaxing the Residential Parking Permit Criteria within the trial area as detailed in [Attachment A to Item 4.1 on the Agenda for the meeting of The Committee held on 5 March 2019](#), in addition to;
 - i. the issue of one on street parking permit for a period of one year to a nominated vehicle registered to a dwelling which has only one off street parking space. Such permits will be made available on application and will be strictly limited to one for each address except in special circumstances as may be determined by the Administration.
 - ii. on street permits (as described in i) allowing parking in designated areas for a period of up to 24 hours
 - iii. permits (as described in i) will initially be limited to 1, 200
 - iv. an application of a fee for permits (described in i) that will include Administrative costs and an additional sum of not more than \$100
 - v. the identification of areas with alterations to existing signage where permits (described in i) can be used
 - vi. immediate planning for the introduction no later than the end of 2019 of a scheme to allow business ratepayers access to on street permits in designated areas currently utilised by commuter parking
3. Approves such funds that will be required for the notification, implementation and parking utilisation surveys with funds to be requested as part of the Q3 budget reconsideration process.

NORTH ADELAIDE PARKING REVIEW ⁹

Background and Consultation



Prior to the Council decision in March, a significant amount of consideration and consultation was undertaken to understand the key areas which needed addressing. The approach taken was developed considering input and feedback from:

- North Adelaide Local Area Traffic and Parking Management Plan (NA LATPMP). Refer [link](#)
- Council Workshops
- Community meetings

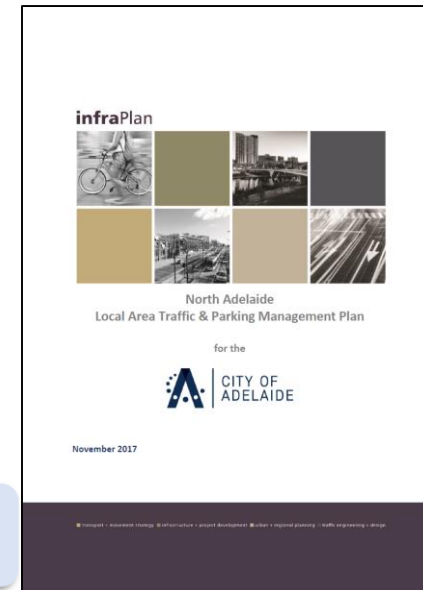
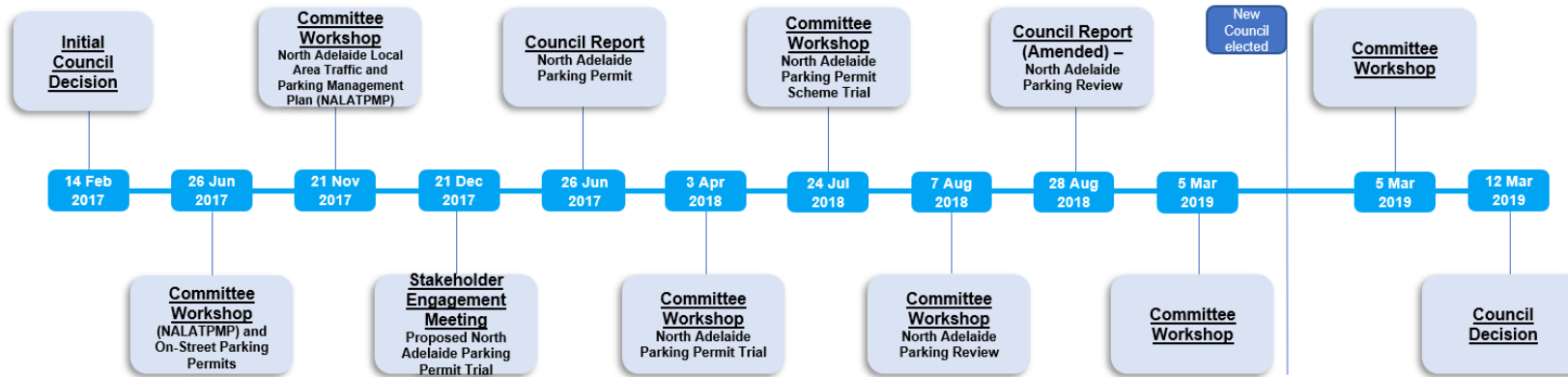
The NA LATPMP has been a valuable contributor to our understanding of and insights into the pattern of parking in North Adelaide.

Extensive consultation was undertaken as part of the North Adelaide Local Area Traffic and Parking Management Plan in 2017 which included:

- Community Workshops
- Interviews
- Pop-up Workshops
- Interviews

The report included recommendations for addressing traffic management issues as well as recommendations for an approach to parking in North Adelaide, including:

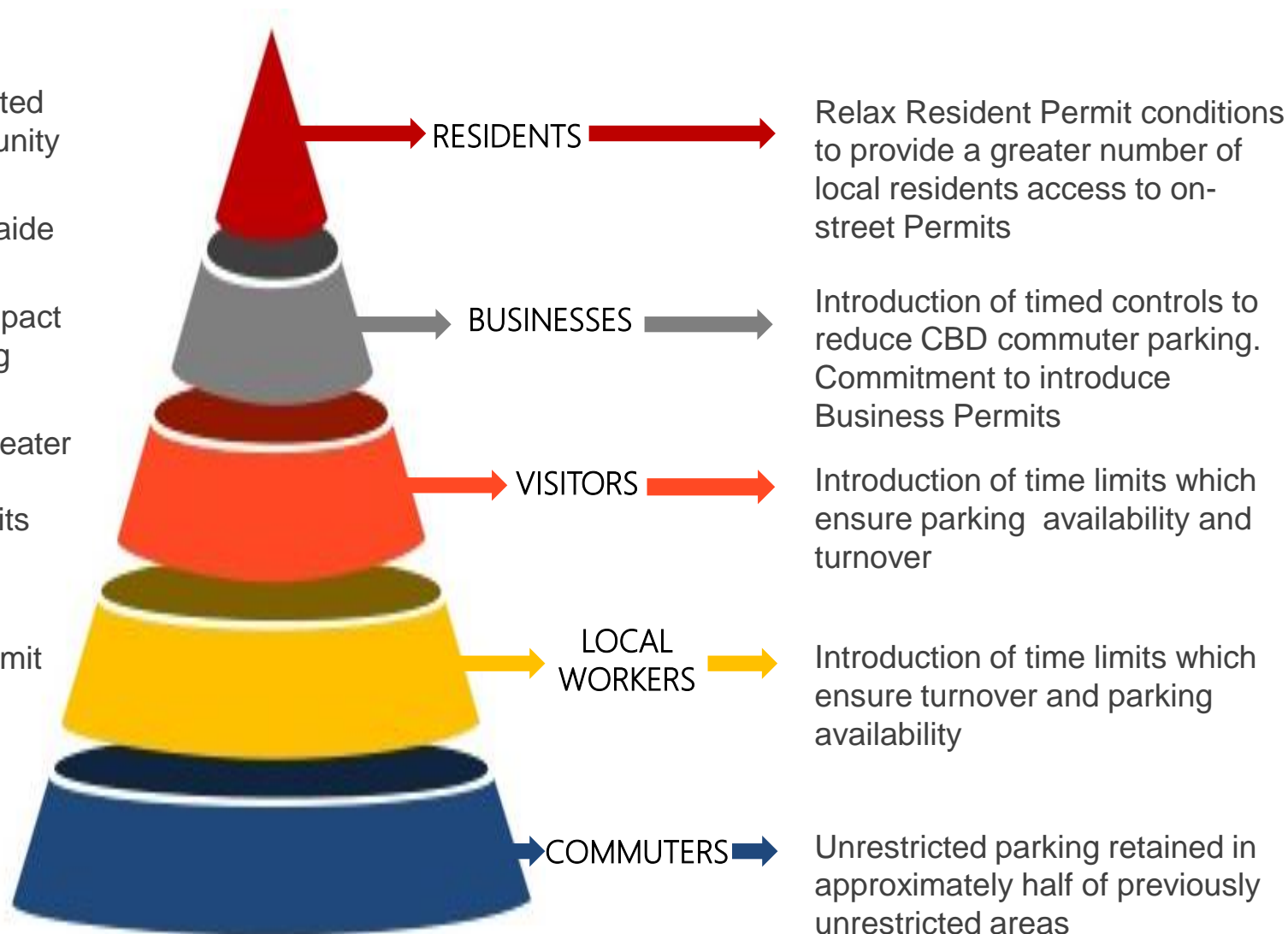
- Incremental changes (relaxation) to residential parking permit eligibility criteria, and
- Rebalancing parking controls to suit precinct land uses.



The following represents the hierarchy of priorities articulated by the North Adelaide community and Council.

It has shaped the North Adelaide Parking Trial :

- Reduce instances and impact of CBD commuter parking
- Relax Resident Permit conditions to provide a greater number of local residents access to on-street Permits
- Address equity for all ratepayers
- Introduce a Business Permit



Communication

- 5,826 letters were mailed to all North Adelaide residents.
- YourSay website launched and information packs available at Community Centres
- Corflute signs placed at various locations notifying of the upcoming changes
- Flyers placed on vehicles to advise of the upcoming parking changes
- Interactive online map detailing changes and timelines



Parking Utilisation Surveys

Parking Utilisation Surveys were conducted on 5 June to obtain an accurate measure of parking occupancy and use of Residential Permits prior to the Trial commencing.

The same Parking Utilisation Surveys will again be undertaken at the conclusion of the Trial to understand the impact of the implemented changes.



Parking control changes commenced on 1 July 2019 and were completed on 21 August 2019 (with the exception of the Aquatic Centre car park).

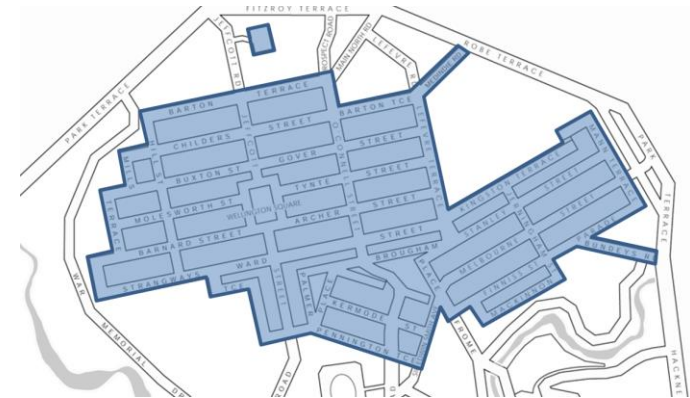
These changes have resulted in time limit controls applying to an additional 1,000 bays in North Adelaide, which is 60% of all previously unrestricted bays.

Locations which attracted a higher rate of conversion to time limit parking were:

- Locations with a higher proportion of business activity
- Areas adjacent to the free City Connector Bus stops
- Areas adjacent to community facilities
- Dog Park and play spaces
- Areas adjacent to Park Lands

An [interactive map](#) displaying parking controls is available online and via YourSay Adelaide.

Trial Area



Map of Parking Control Changes



Residential Permit Conditions – Relaxed Criteria

Changes to the existing Residential Permit criteria were introduced following a review of the predominant pain-points raised by residents. The new criteria aims to be easier to understand, more flexible and require less paperwork. The changes include:

- Individual dwellings within multiple dwelling* buildings built prior to 1976 are now eligible for a Permit,
- Less documentation required to confirm primary place of residence,
- Proof of a vehicle using an on-site parking space will not be required

* note multi dwelling buildings do not include apartments

Permit Eligibility

	Year Built	Pre-1976	Post-1976
Property	On-Site Parks	No. Permits	No. Permits
Standard Property	None	2	1
	1	1	0
	2+	0	0
Multiple dwelling buildings	None	1	0
	1	1	0
	2+	1	0

New North Adelaide Trial Permit

Trial Residential Parking Permits were made available to eligible residents for the trial period of one year from 1 July 2019 to 30 June 2020. A maximum of 1,200 of these Trial Permits may be issued.

To be eligible for a Trial Residential Parking Permit the applicant must be a resident of North Adelaide and have up to one on-site parking space at the property.

Multi-dwelling properties or group of dwellings such as units, apartments and strata groups currently are not eligible for Trial Permits.

Trial Permit Eligibility

	Year Built	Pre-1976	Post-1976
Property	On-Site Parks	No. Permits	No. Permits
Standard Property	None	1	1
	1	1	1
	2+	0	0
Multiple dwelling buildings	None	0	0
	1	0	0
	2+	0	0

Residential and Trial Permits Issued

Uptake of the Trial Permits has been relatively low, which may indicate:

- That many eligible residents do not have a need for a Trial Permit.
- Opportunities exist to broaden Trial Permit eligibility to increase the number of Permits issued and assist to alleviate the current known pain points of residents.

Residents are telling us that the most predominant pain points relating to Trial Permits are:

- Multi-dwelling properties or group of dwellings such as units, apartments and strata groups currently are not eligible for Trial Permits.
- Residents are finding it restrictive that their property has more vehicles than are eligible for Trial Permits

NORTH ADELAIDE FAST FACTS	
35	Trial Permits Issued
47	Residential Permits under relaxed criteria
13	Additional Residential Permits existing criteria
387	Vehicle Permits currently in North Adelaide
25%	increase on Vehicle Permits in North Adelaide
3,450	Dwellings
3,500	Registered vehicles

In addition to the many queries and questions, we have received some insightful and useful feedback which will help inform the next steps of this Review.

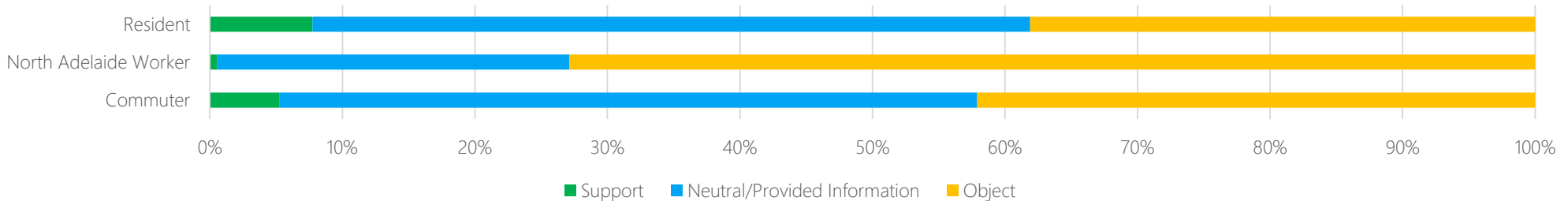
Given the nature of these type of changes, it is expected that those who take the time to offer feedback are generally seeking a different type of action by Council and accordingly are unsupportive of the Review in its current format.

	Support	Neutral/ Provided Info	Object
Resident	13 (8%)	91 (54%)	63 (38%)
North Adelaide Worker			
Hospital - Women's & Children's	0 (0%)	7 (13%)	45 (87%)
Hospital - Memorial	0 (0%)	2 (33%)	4 (67%)
Hospital - Calvary	0 (0%)	9 (26%)	26 (74%)
Hospital - unknown	0 (0%)	1 (9%)	10 (91%)
Schools (St Dominic's & Aquinas)	0 (0%)	2 (13%)	13 (87%)
Other worker	1 (2%)	26 (45%)	31 (53%)
Commuter	1 (5%)	10 (53%)	8 (42%)



In addition to the above, there were 5 which did not fall into any of the categories listed above, 4 of which were 'neutral/provided Info'

Additionally, four petitions objecting to the North Adelaide Parking Trial with a total of 101 signatures were noted at the Council Meeting on 16 July.



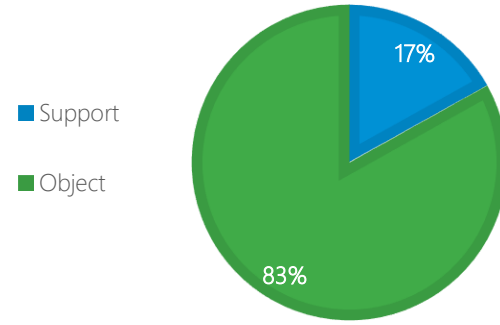
*North Adelaide Local Area Traffic and Parking Management Plan 2017

Themes of Feedback - Residents

Feedback

The primary focus of this review is to assist residents when parking in their own street. From the feedback received, residents showed a higher rate of support for the Trial than any other demographic. The feedback provided includes:

- Support for parking controls which create more available parking in their streets for residents and their visitors etc.
- Concern that apartments and strata dwellings were not included in Permit Criteria
- Lack of parking options for households with more cars than Permit eligibility
- Residents do not support parking controls being installed in their street when they do not believe there have been any issues with parking previously



Feedback raised by residents who did not support the Trial*

Parking Controls	
Wants no change/different controls	46%
Does not want poles/signs	3%
Permits	
Eligibility	26%
Needs more Permits	20%
Fee (shouldn't need to pay)	10%
Shouldn't need Permit for own street	3%
Other	
Lack of consultation	18%
Nurse parking/safety	2%

* Note: residents may have raised multiple points



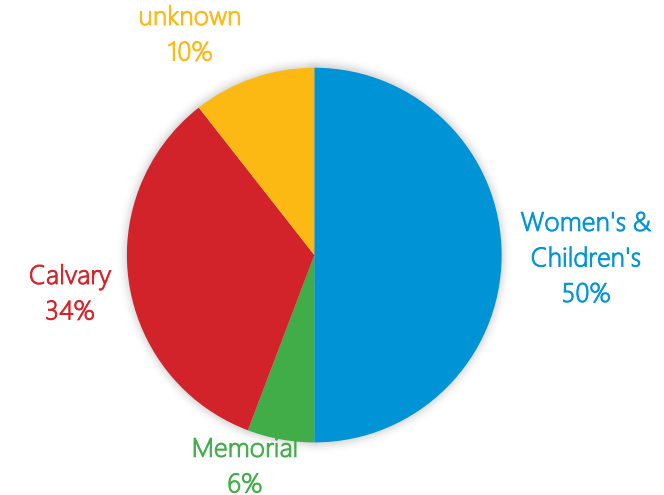
Themes of Feedback - Nurses and Hospital Employees

Feedback

The highest number of individual pieces of feedback received to date are in relation to nurses parking. The concerns include:

- Personal safety when needing to walk significant distance to or from a parked vehicle at commencement or completion of shift. These concerns relate primarily to staff working shifts which either begin or end outside of daylight hours.
- Inability to return to vehicle during a shift to move within the time limit and avoid receiving an Expiation.
- Lack of suitable parking options for shifts which begin later in the day.
- Not being supportive of the cost of paid parking for employment.
- Increase in Women's and Children's Hospital employees utilising Kermode Street car park, which is creating access issues for other employees as well as patients, parents and caregivers accessing the hospital.

FEEDBACK PER HOSPITAL



**Note: in addition to the info provided, some North Adelaide workers did not specify their place of work or industry*



Themes of Feedback – Other Stakeholders

Schools (inc St Dominic's Priory and Aquinas College)

Significant concerns have been received from staff at St Dominic's Priory, including:

- Lack of unrestricted parking available for staff on street
- All unrestricted parking in the area is utilised by other user groups early in the morning
- Timed parking is not an option because of an inability to leave work due to duty of care for their classes

Aquinas College has also raised concerns regarding drastically insignificant parking options for their resident students who although residents of North Adelaide, most are not eligible for any parking permits.

North Adelaide Workers

Some of the feedback from North Adelaide workers includes:

- Business owners concerned about staff loss of productivity when regularly moving vehicles to comply with time limits
- Unable to find a park to attend work and/or unable to return to vehicle within time limits

CBD Commuters

Some of the feedback from commuters includes:

- Inconvenienced as unable to continue to park in the same locations
- Observing time limit bays which are not occupied
- Feels the Trial doesn't support healthy lifestyle (park 'n' walk or ride)
- Concern about the reduction of unpaid parking options for people attending work in the CBD, and not supportive of the cost of parking for employment



- ✓ • **Reduced instances of CBD commuter parking**
 - Observed increased parking availability in time limit areas and greater occupancy in unrestricted areas

- ✓ • **Assisted residents**
 - Residents have provided the highest proportion of positive feedback from any category of respondent
 - Residents advise they can now go out or do their shopping etc and can park reasonably close to their homes when they return. Previously these bays were occupied by all day parkers (Gibbon lane and Barnard Streets areas)
 - Balance of unrestricted parking in residential streets provides additional options for residents

- ✓ • **Visitors**
 - Visitors to residents are able to locate parking
 - Visitors accessing areas of the Park Lands (such as dog parks near Medindie Road) are pleased they can park much closer



Opportunities for review – Vehicle Permits

Recommended Amendment

It is suggested we can relax the Trial Permit criteria to include the issue of one Trial Permit to all occupants who do not meet the current relaxed Residential Permit criteria and require additional parking for their personal vehicle.

Suggested Criteria:

- Full time occupants of North Adelaide property* (excl. residential colleges)
- Nominated vehicle registered at the address
- Number of vehicles at the property exceeds current parking allocation, including on-site parking and existing Permits

Total Permits: capped at 1,200

Duration: 9 months (until conclusion of trial June 2020)

Fee: \$75 (+ application fee) due to reduced Permit duration

**Excluding residential colleges*

What this looks like

This amendment will provide significantly greater eligibility and flexibility for residents and should alleviate most of the pain points residents have expressed relating to Trial Permits.

The Trial Permits will be allocated one per eligible resident rather than one per dwelling and includes those living in apartments.*

This means that every North Adelaide resident will have parking allowance for 1 personal vehicle, (whether it is on-site or via a vehicle Permit), removing any inequity for residents living in properties built prior to 1976 and also allows greater flexibility for families and those living in share homes.

Greatest benefit delivered to:

- Residents of apartments
- Families with children who own cars
- Shared homes with 3+ residents

ALL DWELLINGS WILL HAVE ACCESS TO AS MANY PERMITS AS REQUIRED

Opportunities for review – Parking Controls

Recommended Amendment

Based on the feedback received post 1 July, it is recommended we revert some timed parking controls back to unrestricted parking to support:

- Local workers (including hospital and school staff)
- Residents who have multiple vehicles & are ineligible for a permit

The proposed locations to be reverted back to unrestricted have been identified as primarily adjacent to Park Lands as followed;

- previously used for longer term parking
- still highly desirable for longer term parking
- does not directly impact stakeholders and users
- where it appears timed parking is currently underutilised

The implementation of timed parking will still be maintained in all other areas to continue to support;

- Residents with permits
- Residential visitors (with or without a permit)
- Hospital patients and visitors
- Community facilities
- Business activities

Further feedback will be taken into consideration to capture any impacts from these further changes with an aim to extend existing time controls where appropriate to ensure a balance of parking demands as the changes occur.

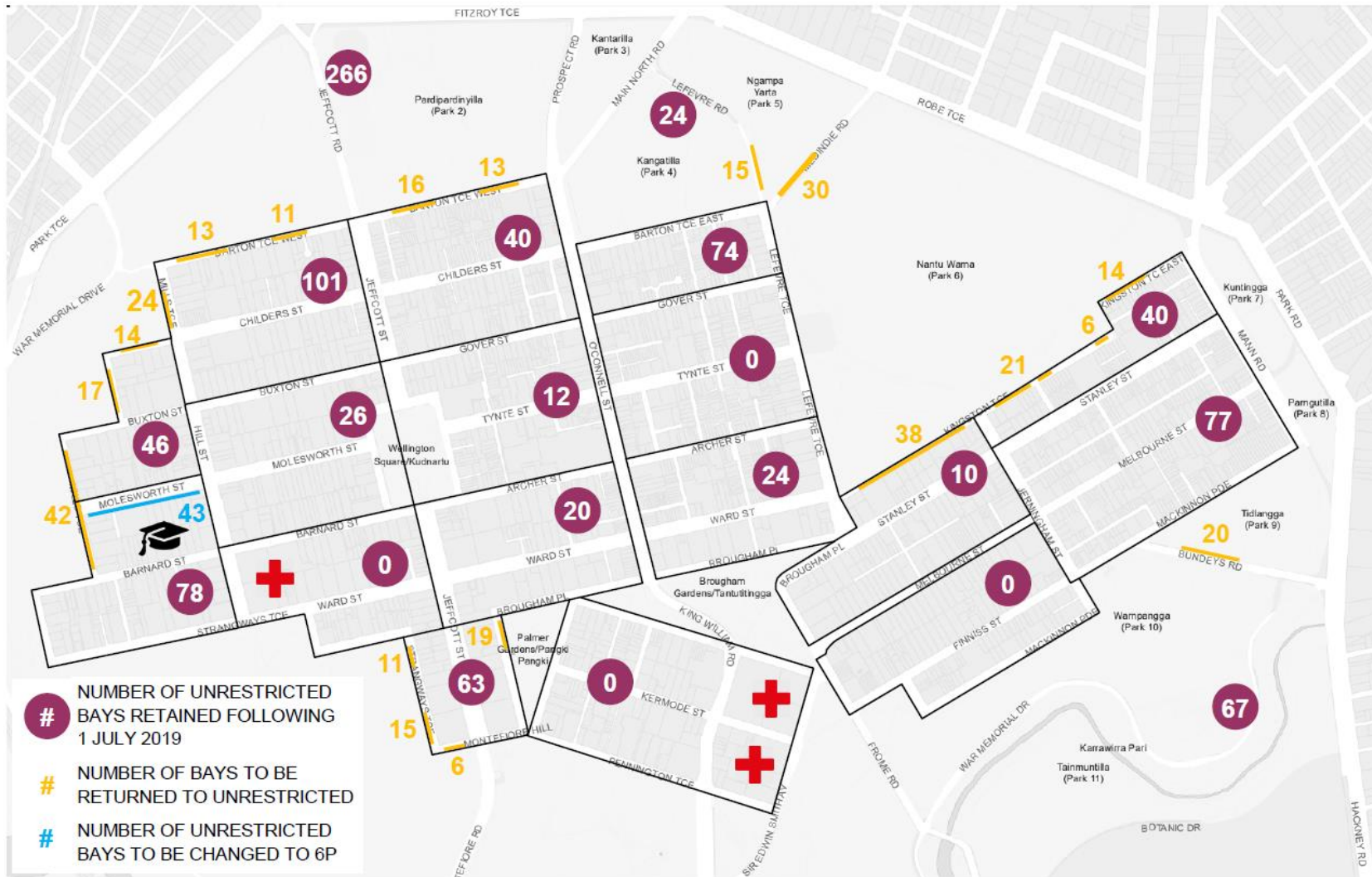
What this will look like

As part of the initial rollout, approximately 60% of unrestricted parking was converted to time limit parking across North Adelaide

As a result of feedback to date, it is proposed to remove a number of these time limit controls. This will result in approximately 360 bays reverting to unrestricted. This will result in the total number of bays converted to time limit parking for the Trial to approximately 40%.

	Unrestricted bays	Change from pre trial
Pre Trial	1,630	
Current	630	60%
Proposed	990	40%

What proposed changes will look like



On 27 August, 2019 in response to a Motion on Notice, Council resolved that:

“Council investigate the parent parking situation surrounding the Women's and Children's Hospital and possible solutions including overstay permits, by consulting the hospital and assessing the situation.

On 2 September, Council representatives met with WCH Executive Director Corporate Services, Phil Robinson and his team to discuss their feedback regarding the North Adelaide Parking Trial, as well as Council's request to investigate possible solutions for parent parking.

Accessing the hospital daily there are approximately:

- 1,200 outpatients
- 1,200 staff movements

In a 200m radius of the hospital there are approximately 150 bays available for parking.

The hospital advised that following the implementation of the Mackinnon Parade Permit Parking Zone in 2016 a finely tuned balance that addressed the parking needs of the vast majority of stakeholders was achieved. They advised that this balance was significantly impacted with the recent reduction in unrestricted parking spaces in North Adelaide, with the biggest impact being an increase in WCH employees using the Kermode Street car park, creating congestion in the carpark and access issues for patients, parents and caregivers as well as other employees. Prior to the introduction of parking changes, the hospital car park did not reach capacity till around 9.00- 9.30 am whereas since the change the hospital car park is full by around 8.15 am. This means that the staff that used to park in the free on street parking are now parking in the hospital carpark early in the morning which takes up the space for patients attending outpatient appointments.

Hospital administration's strong preference is for Council to return all of the recently restricted parking to its previously unrestricted parking status. Given the finely tuned balance that was in place before, the hospital believes this would alleviate the pressure currently being experienced by WCH employees and visitors.



**Women's
& Children's
Hospital**

Consultation of Changes

If Council supports the changes outlined in this Workshop, we will engage with residents and businesses of North Adelaide via a variety of methods prior to and during the commencement of any parking control changes.

A letter will be sent to North Adelaide residents and businesses, similar to the commencement of the Trial, which outlines:

- Background of the North Adelaide Parking Review and the Trial to date
- Summary of feedback received to date and reasons for further changes
- Link to interactive map which will provide further details of proposed parking control changes
- Changes to Trial Permit eligibility and how to apply
- Proposed timeline
- YourSay details to provide contact details for further feedback, insights, or important information which will help us to continue to make informed decisions
- the option to be kept up to date via our website, email, or text message

Email notifications

Stakeholders who have opted to receive updates via YourSay 'opt in' will be updated as the project progresses via email. Stakeholders will be invited to 'opt in' to email notification through the initial notification letter.

Website

YourSay and our CoA website will be maintained as a central point of information for all interested parties.

E-News

Elected Members will be updated on progress through eNews.



KEY QUESTION

What are Members views on the reversal of some of the parking control changes back to unrestricted parking, in areas adjacent to Park Lands which have been identified as particularly supporting hospitals and St Dominic's Priory?

KEY QUESTION

What are Members views on the expansion of the Trial Permit criteria?

FUTURE OF HERITAGE

Workshop Purpose:

To inform and seek feedback from Council Members about the Heritage Strategy and Action Plan which is being prepared to guide decision making about heritage by Council for the next 15 years.

**A BEAUTIFUL
DIVERSE CITY
WITH AN
ENVIABLE
LIFESTYLE THAT IS
WELCOMING TO
PEOPLE AT ALL
STAGES OF LIFE**

LIVEABLE

PROGRAM: Planning, Design and Development

AUTHOR: Robyn Taylor | APPROVING OFFICER: Shanti Ditter
The Committee Meeting - Agenda - 17 September 2019



FUTURE OF HERITAGE KEY MESSAGES:

Council has operated a very successful heritage program since 1987. It is time to re-evaluate the direction of that program and set some new goals to achieve for the future.

We have developed a draft Heritage Strategy that proposes the continuation of the existing approach and the adoption of three new ideas;

- Tried and True – continuing to do what we do well.
- World Heritage listing of the City Layout and Park Lands.
- Making Places – focussing on heritage area improvements rather than individual buildings.
- Sharing our Heritage Information – collating all our historical information and creating a publicly accessible data base.

Following this workshop, we will bring the report back to Council seeking a decision on a draft Strategy and Action Plan.

FUTURE OF HERITAGE KEY QUESTIONS:

KEY QUESTION

- What are your views on the Four Ideas presented in the Heritage Strategy?
 - Idea 1 – Tried and True
 - Idea 2 – World Heritage Listing of the Park Lands and City Layout
 - Idea 3 – Making Heritage Places
 - Idea 4 – Sharing our Heritage Information

IMPLICATION	COMMENT:
Policy	<p>Currently Council does not have a Heritage Strategy. Council does have other heritage policies including the Built Heritage Management Policy, Heritage Incentive Scheme Operating Guidelines and Façade Improvement Incentive Operating Guidelines. While no change is proposed to the existing policy documents, the development of a Heritage Strategy is new. The other policies and guidelines will be reviewed following the decision on the Strategy. The intention of the workshop is to gain feedback on the changes required prior to moving onto the next phase of the project.</p>
Consultation	<p>The Heritage Strategy and Action Plan has been developed in consultation with relevant staff and managers within the Administration. Following this workshop, staff will engage with the wider heritage community including government, non government organisations and the City of Adelaide community in a way that aligns with Council's Community Consultation Policy.</p>
Resource	<p>The development of the Strategy and engagement with Council Members and the wider heritage community has and will be undertaken within existing resources.</p>
Risk / Legal / Legislative	<p>There are no legal or legislative risks envisaged that will be impacted by the development of the Heritage Strategy and Action Plan.</p>
Opportunities	<p>The opportunities that arise relate to engaging with Council's community and the wider public on the cultural and heritage value of the City of Adelaide and Park Lands.</p>

FUTURE OF HERITAGE BUDGET / FINANCIAL IMPLICATIONS:

IMPLICATION	COMMENT:
2019/20 Budget Allocation	Heritage Incentives Scheme (HIS) (including 1 FTE and 0.6 FTE Heritage Architects) - \$1.317 million Façade Improvement Incentive (FII) - \$50,000 Promotions (including 0.6 FTE Project Consultant – Heritage) – \$151,000 History Festival Sponsorship - \$24,000 Bid to promote the World Heritage listing of the Park Lands and City Layout - \$100,000 Funding to cover the maintenance and works projects to Council owned heritage places.
2019/20 Budget Reconsideration (if applicable)	Not as a result of this report
Proposed 2020/21 Budget Allocation	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Life of Project or Life Expectancy of Asset	It is expected that the Heritage Strategy and Action Plan would be reviewed after five years.
Other Funding Sources	Opportunities to partner with other organisations will be pursued.

KAURNA HERITAGE

- In line with the separate *Aboriginal Heritage Act 1998* and the *Heritage Places Act 1993*, the Strategy focusses on heritage places developed after European occupation.
- However, the Kurna heritage story is central to our history and the two stories must be told together.
- The Strategy has been developed to enable both stories to be told.

DRAFT PRINCIPLES

- A planned approach to heritage that is proactive - not reactive. The Strategy will anticipate future challenges and develop solutions in advance.
- Embed heritage within the City's future growth and development.
- Enable the Kaurua story to be told, where appropriate.
- Enable innovation and collaboration with our heritage partners.
- Enable the best use of people, thinking, emerging technology and funds.
- Protect, preserve and promote our heritage assets.

STRATEGIC CONTEXT

- International listing through UNESCO [World Heritage](#) listing.
- National listing through Australian Government – [Australian Heritage Strategy](#), December 2015.
- South Australian Government:
 - The [State Planning Policies](#) set out a framework for land use to improve the liveability, sustainability and prosperity of SA. The broad aims for heritage conservation in SA are covered.
 - [Planning reform](#) is occurring including changes to the heritage framework.
 - A recent [Parliamentary Inquiry](#) has presented a series of recommendations for sweeping reform to the heritage system in SA.
- City of Adelaide [Strategic Plan](#):
 - Heritage is a major theme that runs through the Plan with actions in the Liveable and Creative Objectives.
- Adelaide's new brand, [Designed for Life](#) is based on Adelaide's boast of being Australia's first designed City.

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BACKGROUND CONTEXT

- Council has been committed to heritage policy and initiatives since the early 1980s. Community support for heritage is clear and reflected in the support of our program.
- The State Government has intervened in planning policy and the assessment of larger development in the City. This has reduced our influence in shaping the development of the City. Our ability to initiate heritage policy initiatives has also diminished.
- Previously, we were leaders in the development of heritage policy and initiatives in Australia. We should aim to re-establish this position and use our resources to chart our own course with heritage policy and initiatives.



TPI HOUSE – 316-320 South Terrace, Adelaide

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WHY NOW?

The decision to prepare a Strategy has arisen because:

- It has been more than 30 years since the City of Adelaide's heritage program began. It's time to re-visit our direction and refocus, augment and re-orientate our effort.
- It's time to incorporate telling Aboriginal stories.
- We know the importance of heritage to our community. The emphasis that the community places on heritage warrants the development of a comprehensive Strategy.
- As society changes, new challenges and opportunities arise with heritage places. We need to develop strategies to deal with those changes to anticipate problems and harness opportunities.
- We see that our economic future is linked to heritage through tourism. Increasingly, our unique heritage will attract visitors to the City.
- Currently, heritage and planning policy is being considered more broadly with Government-initiated planning reforms and Parliamentary Inquiries into the State's heritage system. Significant change is being proposed. Council should have a strong position on its view of the future direction of heritage policy in the City.



VALUE OF HERITAGE

We know heritage is valuable because:

- Culturally, our heritage places contribute to establishing the City's identity and its liveability. Our heritage has made Adelaide a city which is [Designed for Life](#).
- Our history, visible through our heritage places, enables us to tell stories which help establish our identity by explaining the past, understanding the present and setting the direction for the future.
- We know heritage is important to our community.

Economically, we know how important heritage is.

Studies show that:

- For every \$1 spent by Council as a Heritage Incentives Scheme grant, \$1.68 is returned to the South Australian economy.
- The Heritage Incentives Scheme supports 300 jobs and contributes \$395 million to the Gross State Product [SGS Economics & Planning - The Economic Value of Built Heritage in the City of Adelaide \(February 2018\)](#).
- A city with a unique heritage attracts tourism. Studies have shown that direct cultural tourism expenditure in the City of Adelaide is conservatively valued at \$375 million annually.
- An average of 27% of total visitor spending in Adelaide can be directly attributed to cultural heritage related tourism [Economic Value of Heritage Tourism Study \(2015\)](#).



HISTORY OF COUNCIL'S HERITAGE PROGRAM

In the 1970s there was no statutory protection for any heritage places in South Australia. Some important old buildings were lost. Battles began between developers and the community.

In the late 1970s, Commonwealth and State Government heritage legislation was introduced.

By the early 1980s, Council had endorsed a heritage management program which consisted of three pillars. They were:

- Protection – To create a list of protected heritage places in the City.
- Preservation – How could Council best assist ratepayers to preserve the City's heritage?
- Promotion – How could Council best get the message about heritage out to the community?



PROTECTION

- By the end of 1987, Council had established the City of Adelaide Heritage Register which contained 419 places in Adelaide, North Adelaide and the Park Lands.
- Listing has continued. Now in the City, North Adelaide and Park Lands we have places listed as follows:
 - 2 National Heritage
 - 2 Commonwealth Heritage
 - 647 State Heritage
 - 1850 Local Heritage
 - 2 Historic (Conservation) Zones that provide planning policy to support heritage conservation and management
 - The Park Lands have been nominated as a State Heritage Area, but not yet listed.



Map of the City of Adelaide with heritage overlays



PRESERVATION

- With protection in place, the focus turned to how best to support owners. A system of financial and non-financial incentives connected to conservation work was found to be the best method of providing support.
- In 1987, Council established a fund of \$100,000 to support private owners of heritage properties in a scheme called the Heritage Incentives Scheme (HIS).
- The HIS then and now reimburses owners with grants of money to part fund professional documentation and authentic, appropriate conservation work of heritage places.
- Council soon doubled the funding allocation. For nearly 20 years, Council has allocated about \$1 million per year to the HIS.
- The HIS also funds the services of Council's professional heritage architects providing free advice to guide those doing conservation work.
- The HIS is always fully allocated.
- Council now funds the [Façade Improvement Incentive](#) (FII). This scheme provides grants to encourage owners to improve the street appeal of their unlisted pre-WWII historic character buildings within the CBD and North Adelaide commercial precincts.





PROMOTION

Council's Promotion program is responsible for:

- The [blue heritage plaque](#) program
- Sponsorship of research studies, thematic histories, self-guided tours, specifications and [technical information](#)
- Story-telling in the main stream media and social media
- Bus tours for the public, Councillors and staff
- [Photographic displays](#)
- Public events and symposiums.

WHAT COUNCIL HAS DELIVERED

- A hugely successful and [nationally awarded](#) HIS program that has provided over \$20 million invested as grants in over 3000 conservation projects
- Over 720 blue heritage plaques
- Up to nine free events per year with the celebration of heritage for our community, eg. [History Festival](#)
- [Story-telling](#) and celebrations of heritage told through social media that engages with and connects to the next generation
- The collection of a wealth of historical and pictorial information for all to use.
- [Technical guides](#) free for owners to use.
- Case studies for the HIS [adaptive re-use](#) of heritage places to inspire current and future heritage owners.



Heat Map of all HIS allocations

WHAT IS BEING DELIVERED NOW?

In 2018/19, the budget allocation for heritage was spent on:

- 104 [Heritage Incentive Scheme](#) projects.
- Professional heritage architects who guide owners through HIS projects and provide free conservation advice and advice on how to care for their heritage properties.
- Advice on development applications for development impacting on heritage places.
- 2 [Façade Improvement Incentive](#) projects delivered in 2018/19.
- A comprehensive [Promotion program](#).
- Nearly \$2 million on Council-owned heritage property projects including \$190,000 on the Bookmakers' League Building at Victoria Park.

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Successful FII project



Victoria Park Grandstand

Heritage Promotions 2018/2019

Strategic Plan Action

Promote and protect Adelaide's built character and heritage through our operations, incentives, policies and direct investment, while working with and advocating to Federal and State governments for an increase in City buildings protected under State or Local Heritage regulations.

Objectives

Heritage as a tourism driver in the City of Adelaide

Communicate the value of heritage to the City of Adelaide

Changing myths and mindsets regarding Heritage in the City of Adelaide

Key Activities

PROTECT

- Parliament Inquiry into Heritage
- State Planning Reform



CONSERVE

- Heritage Resources (Specifications, Technical Guides, Development Info Guides)
- Heritage Incentives Scheme 'Gift Pack' to new owners of Heritage Listed places
- Heritage Incentives Scheme 'Large Project' Identification Banners



PROGRESS

- Study on economic benefits of Heritage Investment
- Online Forms and Applications Project
- City of Adelaide Heritage Places Database
- Connect with the next custodians of Heritage (Schools & Technology)
- Social Media Schedule regarding Heritage (story telling)



CELEBRATE

- Case Studies for Heritage and Development (adaptive reuse, contemporary extensions)
- Heritage Photograph Library (current images)
- Self-Guided Historic Trails
- History Festival Events
- Plaques Programs
- Historic Industry in the City of Adelaide research
- Facade Improvement Incentive Promotions



PARTNER

- National Trust SA (NTSA) Membership
- ICOMOS Membership
- History Festival Sponsorship
- Participate in the Department of Environment & Water (DEW) Roundtable
- Participate in NTSA Skills Development Project
- Participate in Dulux Paint Trial Project
- Contribute to the development of a National Heritage Strategy (being prepared by NTSA)



Heritage Promotion Strategic Plan Action

WHAT IS THE CITY'S HERITAGE TODAY?

The City currently has:

- World Heritage List – 0
- National Heritage List (outstanding heritage significance to Australia) – 2
- Commonwealth Heritage List – 2
- State Heritage Areas – 0 (1 proposed area)
- State Heritage Places – 647
- Local Heritage Places – 1850
- Historic (Conservation) Zones – 2

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EMERGING TRENDS IN HERITAGE

Ideas are changing. New trends are:

- Adaptive reuse adapts buildings for new uses while retaining their historic features such as the structure, outer shell and some of the interior materials. Adaptive reuse can be applied to historic buildings and obsolete or under-utilised buildings.
- Widening the focus to tell the story through a collection of places, rather than individual buildings.
- An increased focus on heritage tourism based on an understanding that unique places have a story to tell that attracts tourists.

THE 3 PILLARS OF HERITAGE NOW

The Strategy proposes four ideas for the future of heritage based on the three pillars of Protect, Preserve and Promote.

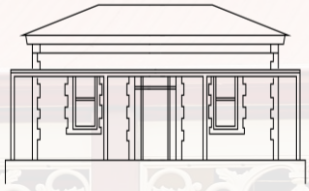
- Protect – The Strategy will increase protection of heritage places by:
 - Reviewing and critiquing the heritage system in SA to seek an improved system.
 - Identifying gaps or ‘at risk’ heritage in our protected places.
 - Advancing listings.
- Preserve – The Strategy will continue current efforts to preserve by:
 - Continuing the HIS with funding ‘holes’ identified.
 - Considering larger conservation projects.
 - Partnering with others to focus on area conservation.
- Promote – The Strategy will continue the steady increase in promotion that has been occurring by:
 - Developing a larger program with more engagement with our customers.
 - Sharing information and making it available to all.
 - Increasing efforts in heritage tourism.
 - Increasing knowledge about conservation.



THE FOUR FUTURE IDEAS

A summary of the next slides presenting the four ideas of the Heritage Strategy.

- Tried and True – continuing to do what we do well.
- World Heritage listing of the Park Lands and City Layout.
- Making Heritage Places – focussing on heritage area improvements rather than individual buildings.
- Sharing our Heritage Information – collating all our historical information and creating a publicly accessible data base.



IDEA 1 – TRIED AND TRUE

We will continue to:

- Provide grant money and free professional advice to heritage owners to subsidise and encourage good quality conservation works through the HIS
- Promote heritage as we currently do through exhibitions, publications, plaques, social media campaigns and sponsorship and partnership of festivals and events
- Monitor, research, analyse and critique the current heritage system and with others, push for change where necessary
- Review our heritage places to find and fill the gaps
- Develop and implement strategies to deal with the City's under-utilised buildings
- Connect to our heritage owners and share information with owners and the wider world
- Educate about conservation.





IDEA 2 – WORLD HERITAGE LISTING

- The uniqueness of the City of Adelaide has long been known. Discussion began in 1996 about the idea of World Heritage Listing the Park Lands and City Layout. Inclusion on the National Heritage list occurred in 2008.
- Recently momentum to pursue the listing has grown as research has identified the truly unique characteristics of the [Park Lands and City Layout](#).
- For example, Adelaide is:
 - The only city in the world with a town plan that splits the commercial from the residential using an expansive ring of public parks
 - The first example in the world of Park Lands created and dedicated for public use
 - The town plan and the Park Lands have survived and remain substantially intact.
- We believe that we fit the criteria and have good grounds to pursue World Heritage listing.
- We have the opportunity to lobby for the listing when [ICOMOS](#) holds its annual World General Assembly in Sydney Australia in October 2020.
- World heritage listing will showcase Adelaide's qualities as a city that's 'designed for life' and to encourage others to come and share.
- World Heritage listed places experience economic benefits as a result of more visitors.



IDEA 3 – MAKING HERITAGE PLACES

- Presently, the HIS is targeted at individual places.
- Idea 3 refocuses the effort from individual places to collections of buildings or places.
- Idea 3 supports concentrating our efforts and combining with other programs (such as the Shopfront Improvement Program) to engage with owners of heritage places areas facing challenges.
- The heritage improvements could form part of a comprehensive Council strategy to improve a challenged area.
- Idea 3 could involve a wider program of public realm works to improve the area and tell the story of the place through public art and/or events.



IDEA 4 – SHARING OUR HERITAGE INFORMATION

- Council holds a great deal information, particularly about heritage places and people, in the form of heritage survey data sheets, photographs and other records.
- We propose that we gather all that heritage information together in a digital format. The digitising process will also ensure we have old and fragile records in perpetuity, albeit in a digitised form.
- Readily accessible, searchable information will be made available for all to use for whatever purpose they choose.
- This information would make Council the first reference point for those seeking an understanding of places, people and our history.
- Collating digital records will also help to link together previously unconnected stories. New ways of telling heritage stories may result.
- We could partner with other organisations to provide joint information for people to build stories with.
- This will enable us to celebrate this City by telling stories about the past and present South Australia, the City and Park Lands, and about heritage places and people.



NEXT STEPS

- Following this workshop, we will present a report to Committee for a Council decision.
- Following a decision, targeted consultation with interested parties will occur.
- The Heritage Strategy and Action Plan will be finalised.

KEY QUESTION

- What are your views on the Four Ideas presented in the Heritage Strategy?
 - Idea 1 – Tried and True
 - Idea 2 – World Heritage Listing of the Park Lands and City Layout
 - Idea 3 – Making Heritage Places
 - Idea 4 – Sharing our Heritage Information

City of Adelaide Lighting Strategy

Workshop Purpose:

To introduce and to seek feedback on the draft Lighting Strategy for the City (currently under development), including the project background, and draft design principles.

A MULTICULTURAL
CITY WITH A
PASSION TO
CREATIVE
AUTHENTIC AND
INTERNATIONALLY
RENOWNED
EXPERIENCES

CREATIVE

PROGRAM: PLANNING, DESIGN & DEVELOPMENT

Author: Deborah Phipps and Catherine Kinton
The Committee Meeting - Agenda - 17 September 2019

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The draft Lighting Strategy:

- is currently under development
- provides a vision and framework to enhance the night-time experience of the City and the Park Lands
- includes draft principles and objectives to achieve consistent quality lighting outcomes

KEY QUESTION

Do members have feedback on key considerations for lighting across the City and Park Lands?

KEY QUESTION

Do members have suggestions on the draft Principles and Objectives?

KEY QUESTION

Any other feedback?

IMPLICATION	COMMENT:
Policy	The Lighting Strategy will: <ul style="list-style-type: none"> • supersede outdated CoA policies and guidance documents, such as the CoA Lighting Policy • provide a key tool to facilitate delivery of several Strategic Plan actions including, <i>Identify opportunities to use specialised lighting to showcase the City’s unique attractions, character and heritage</i>
Consultation	The Lighting Strategy builds on the results of previous community consultation, such as Shape the Park Lands 2015
Resource	Internally resourced
Risk / Legal / Legislative	Contributes to achieving appropriate functional lighting provisions to meet Australian Standards
Opportunities	To achieve quality lighting outcomes to enhance the public realm, to enhance the beauty, liveability and economic development of the city. Partnership opportunities to deliver of creative lighting outcomes.

IMPLICATION	COMMENT:
19/20 Budget Allocation	Not as a result of this workshop
19/20 Budget Reconsideration (if applicable)	Not as a result of this workshop
Proposed 20/21 Budget Allocation	Not as a result of this workshop
Ongoing Costs (eg maintenance cost)	Not as a result of this workshop
Life of Project or Life Expectancy of Asset	Not as a result of this workshop
Other Funding Sources	Not as a result of this workshop

Why a Lighting Strategy:

To provide a vision and framework to enhance the night-time experience of the City and the Park Lands

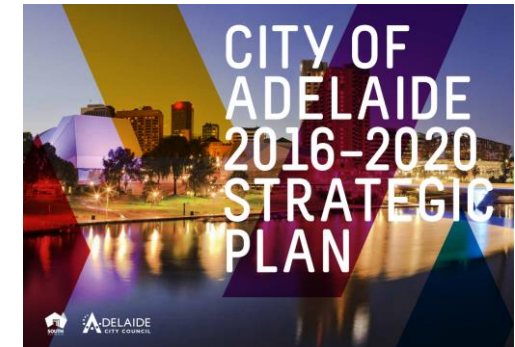
To update and consolidate current CoA lighting policies and guidelines

To align with current **CoA strategies and policies**, including:

- City of Adelaide 2016-2020 Strategic Plan
- Carbon Neutral Adelaide
- Smart City agenda
- Adelaide Design Manual (ADM)
- Active City Strategy
- Cultural Strategy 2017-2023
- New Public Art Action Plan (to be considered by Council on 27 August)
- Development Plan to the Planning & Design Code.

To align to the **Adelaide Park Lands Management Strategy 2015-2025** (APLMS):

- Lighting was one of top 10 themes raised during community engagement
- Lighting is one of the 10 'big moves' that supports Park Land Connections



Why is an update required:

To align with **developing planning policies**, noting:

- Lighting is not included in the current Development Plan
- The current Development Plan has not been comprehensively updated in recent years
- SA Government is undertaking a planning reform process to transition from the Development Plan to the Planning & Design Code (PDC)
- CoA is currently coordinating a list of Development Plan Amendments (DPAs) for Council and Ministerial consideration prior to the transition to the Planning and Design Code
- CoA will identify the opportunity to include or align lighting policy to the Planning and Design Code



Key city-wide considerations:

1. Develop an approach to walking and cycling routes
2. Balance lighting levels and quality
3. Consider visual impact of lighting infrastructure day and night
4. Use current lighting technology
5. Enhance city identify, heritage and character
6. Use the city as a creative canvas at night



1. Develop an approach to walking and cycling routes:

Provide lighting to support an inclusive city

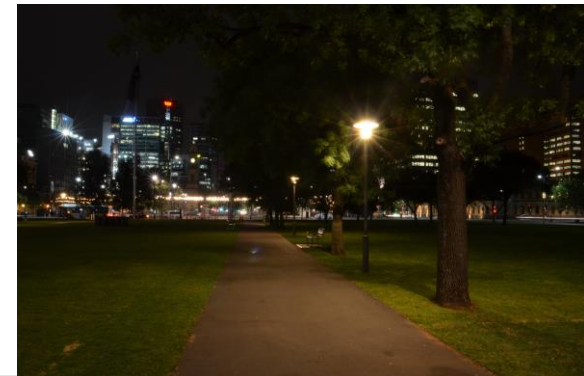
- Include after dark accessibility and providing a range of travel options for all
- Support wayfinding

Enhance sense of personal safety and comfort

- To avoid injury and minimise opportunities for anti-social behaviour
- Lighting is essential to identify and prevent potential hazards
- However, more lighting does not necessarily increase safety
- Lighting is only one of several influences on safety perceptions, others include: passive surveillance from nearby people and activity, familiarity, and options to quickly avoid risks
- Adopt Crime Prevention Through Environmental Design (CPTED) principles

Walking and cycling routes

- Provide specific functional lighting requirements to support and active city
- Provide direct routes to and from the city and between key destinations
- Provide alternatives to on-road routes
- Provide welcoming and engaging journeys
- Physical activity and opportunity for playgrounds, recreational fitness loop and walking the dog
- Escape heat of day by being active at night



2. Balance lighting levels and quality:

Avoid negative impacts

- Light spill and glare
- Ineffective or inappropriate lighting in residential areas
- Natural systems particularly fauna
- Wasted light directed into the open sky

Create balanced 'light-scapes'

- Addressing the misconception that more light is better
- Avoid over-lighting
- Light and shadows define form and depth
- Uniformly lit spaces are visually flat and glary, and lack interest
- Complement "required" lit areas e.g. sports grounds

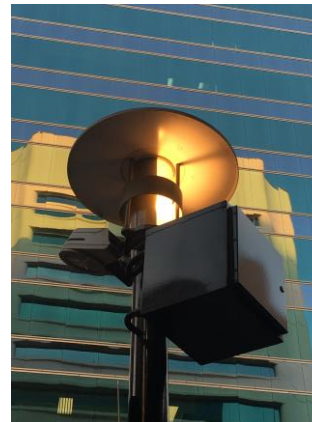


3. Visual impact of infrastructure day and night:

Examples

- Poles and service boxes can add or detract from the clutter and visual attractiveness of our public realm
- Additions of newer technology (such as on multi-function poles) can also create or reduce visual clutter
- Traditional approaches to street lighting can mean duplicate roadway and pedestrian poles are located side-by-side, creating more clutter
- Lighting infrastructure should respond to the character of the local precinct

To achieve the aesthetic quality expected of a capital city, lighting infrastructure should consider a simple, multifunctional approach.



Examples of effective lighting that responds to the character of the heritage precinct

4. Use current lighting technology:

Monitor and minimise energy use

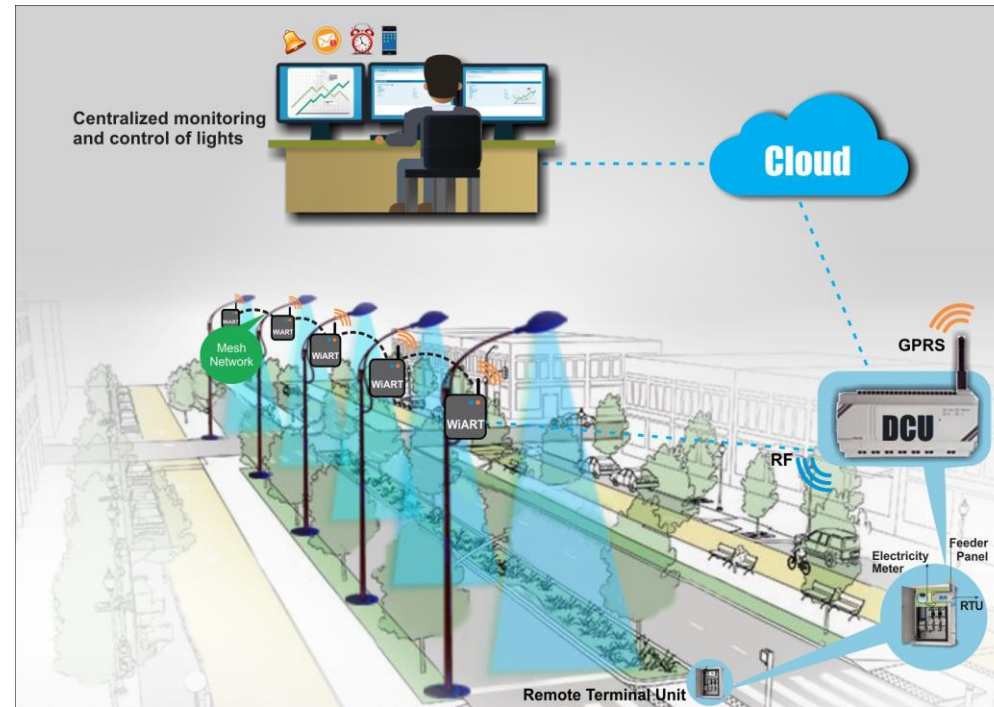
- Measure and control energy consumption through Smart lighting
- Minimise lifecycle costs
- Meet Carbon Neutral Adelaide targets

Technological advances = better lighting with less fittings and for less \$

Advocate for use of renewable energy sources

LED technological advances have led to:

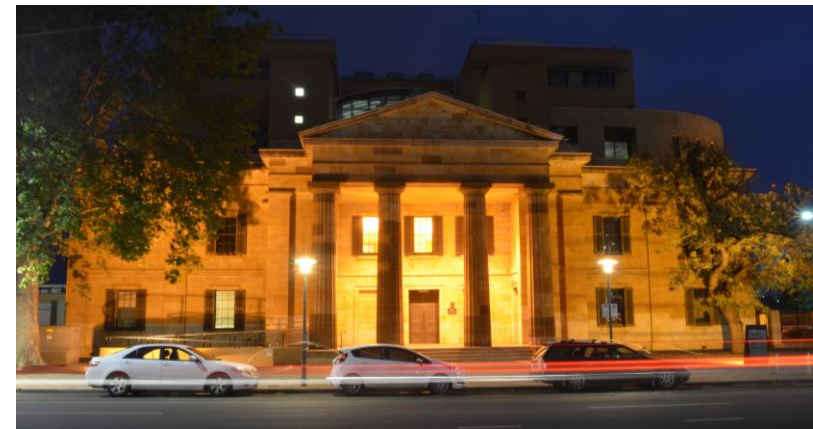
- More control over levels (dimming), improving light quality and distribution
- Greater spacing between pole top lights, reducing upfront costs
- Opportunity to transition to a centralised monitoring system
- More interactive and fun applications



5. Enhance city identity, heritage and character:

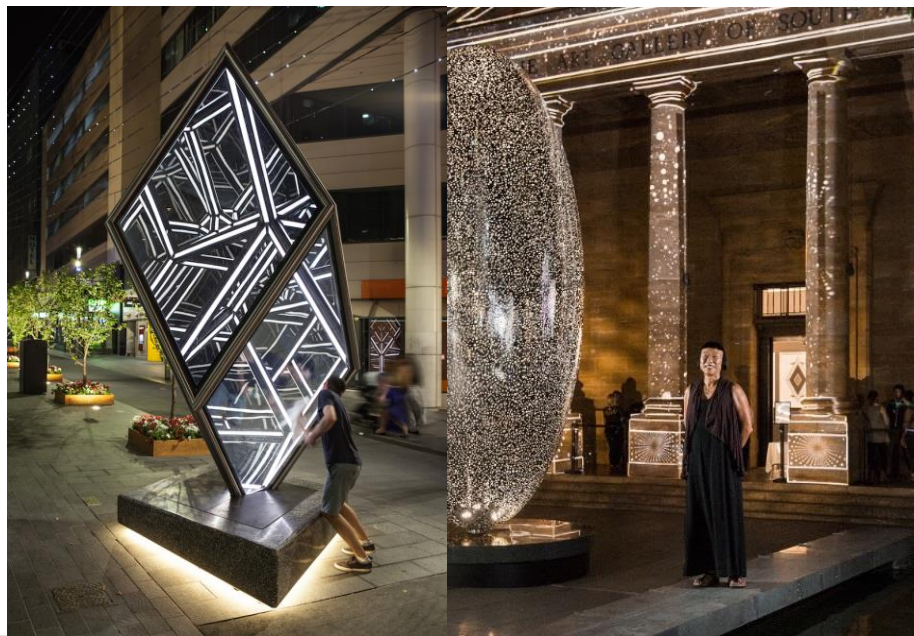
How can lighting further celebrate Colonel Light's Plan of Adelaide?

- Emphasise Park Land and City edges, Terrace corners, and Squares within the urban grid
- Enhance the presence of heritage and contemporary buildings at key locations through accent lighting
- Enhancing Park Land gateway experiences including through up-lighting large trees and art work
- Light landmarks and key heritage buildings
- Enhance natural meeting points and Park Land hubs



6. Use the city as a creative canvas as night:

- Build on the success of the city's festivals
- Celebrate city heritage and identity by including creative lighting and light art in the city's laneways, car parks and other unique spaces
- Potential to develop a Winter Lighting Festival or major event, learning from Vivid Festival, Sydney and Dark Mofo, Hobart, and use as a platform for community engagement
- Celebrate seasons and special occasions (such as Easter and Christmas)
- Select iconic buildings to integrate colour changing light for local and international events
- Potential for creative lighting-based public art commissions to provide extraordinary, energising and delightful public art experiences with a strong night presence



CoA Lighting Strategy

The 3 Layers of Lighting:



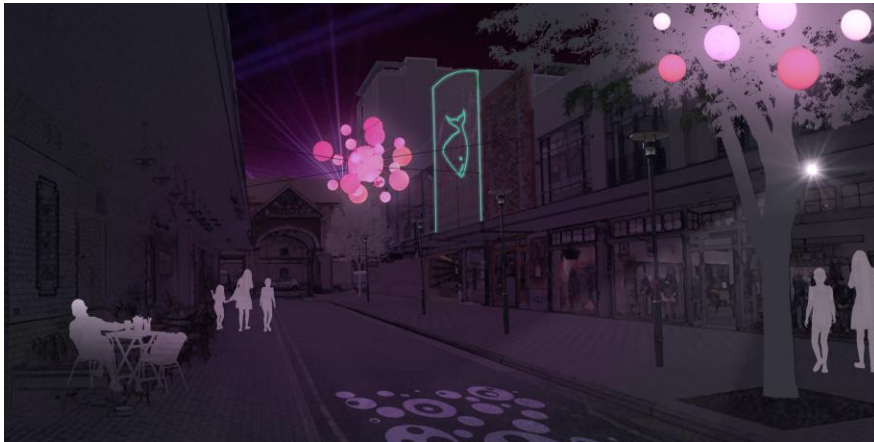
The Lighting Strategy addresses the three core layers of light and how these achieve an integrated light-scape



Functional



Accent



Creative

Principle 1

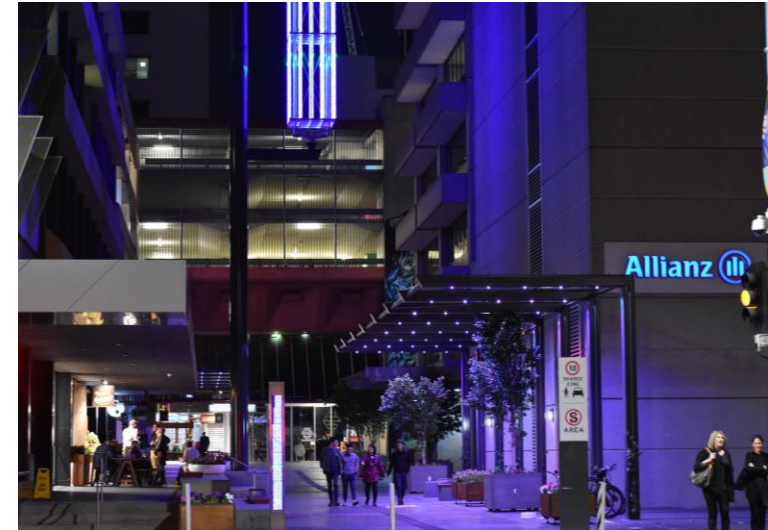
Enhance the sense of safe and comfortable journeys and enriching experiences for all

Objective 1.1

Reinforce the hierarchy of the city streets and spaces through appropriate functional lighting

Objective 1.2

Promote active travel after dark through human-scale lighting



Principle 2

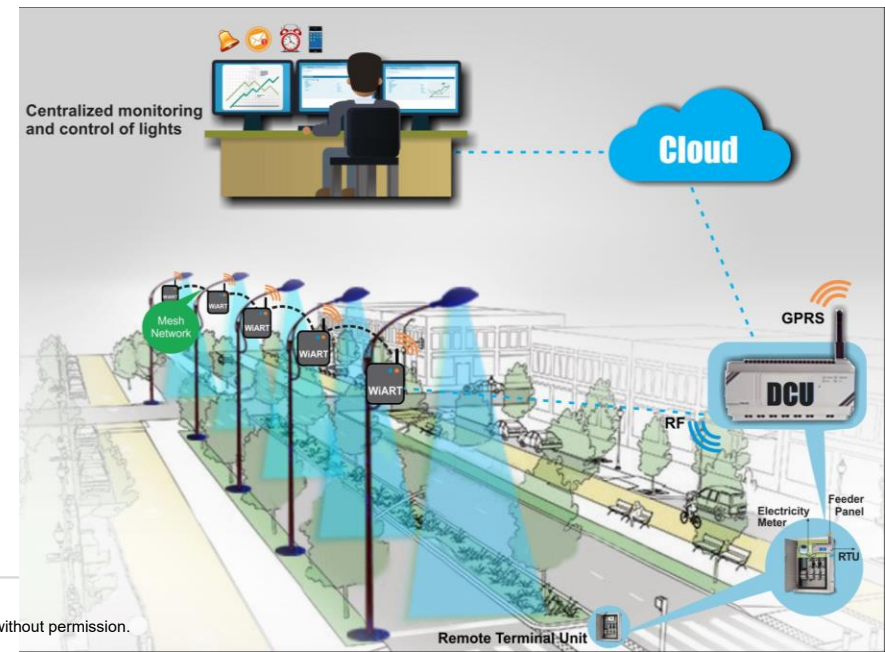
Drive improvements in the efficiency, performance and sustainability of lighting

Objective 2.1

Reduce light pollution through careful positioning and selection of lighting

Objective 2.2

Progressively upgrade and rationalise assets to reduce energy use and increase performance



Principle 3

Highlight the city's unique layout, celebrate distinctive buildings and important places

Objective 3.1

Advocate for an attractively lit skyline by lighting prominent buildings

Objective 3.2

Enhance the identify and legibility of the city layout by lighting its edges, gateways and landmarks

Objective 3.3

Celebrate significant cultural and historic architecture with exemplary illumination



Principle 4

Enhance the night-time atmosphere to cultivate enticing places for people

Objective 4.1

Balance light and dark to enhance the comfort and ambience of the city

Objective 4.2

Support quality lighting of private and community buildings to promote activation and strengthen the night-time economy



Principle 5

Engender delightful and dynamic night-time experiences through creative lighting

Objective 5.1

Champion temporary creative light installations in association with celebrations and festivals

Objective 5.2

Enhance the distinct character of key city precincts through creative lighting and light-based public art commissions

Objective 5.3

Enrich our growing laneways culture through light art and creative illumination



Next Steps:

1. Present draft Lighting Strategy including associated Actions:
 - To APLA in October 2019
 - For Council endorsement in November 2019

KEY QUESTION

Do members have feedback on key considerations for lighting across the City and Park Lands?

KEY QUESTION

Do members have suggestions on the draft Principles and Objectives?

KEY QUESTION

Any other feedback?

RIVER TORRENS AND TORRENS LAKE

Workshop Purpose:

To provide a briefing on the key issues facing the River Torrens and Torrens Lake, including governance arrangements, and consider opportunities to improve environmental, economic and social outcomes.

PROGRAM: Sustainability

AUTHOR: Paul Smith | APPROVING OFFICER: Michelle English

The Committee Meeting - Agenda - 17 September 2019

ONE OF THE
WORLD'S FIRST
CARBON NEUTRAL
CITIES AND AN
INTERNATIONAL
LEADER IN
ENVIRONMENTAL
CHANGE

GREEN



KEY MESSAGES:

- **Torrens Lake is an iconic feature of the State and hosts significant tourism, sporting, cultural and recreational events.**
 - River Bank Precinct, Adelaide Festival Centre, Adelaide Oval and Elder Park are major drawcards for SA economy.
 - Popeye, rowing clubs and other on-water commercial activities are directly affected by Lake closures.
 - Key stakeholders have been engaged in management strategies since at least 2007 (River Torrens Taskforce).

- **River Torrens and Torrens Lake is a complex, urbanised and highly altered waterway.**
 - River Torrens linear park is a designated flood mitigation zone.
 - Water quality is substantially affected by catchment wide stormwater pollutant inflows, aquatic and terrestrial pests and seasonal climatic conditions.
 - Blue-green algae (BGA) outbreaks have been used by the community as an indicator of water health in the Lake.

- **Current governance arrangements do not effectively integrate environmental, economic and social values into outcomes nor deliver multiple benefits for all stakeholders.**
 - Lack of clarity / competing priorities for overall vision for Torrens Lake, resulting from unclear governance and lead agency.
 - Since 2007, strategic management and partnerships have devolved to operational activities.
 - Catchment wide coordination and catchment scale resolutions have dissipated overtime, leading to ad hoc and 'single site' approaches.
 - Limited investment has confined management activities to addressing single issues – e.g. blue-green algae, carp eradication.

KEY QUESTIONS:

KEY QUESTION

What is Council's vision for the Torrens Lake and River Torrens environs?

KEY QUESTION

Is this vision being delivered through Council's current commitments?

KEY QUESTION

What role should Council play in the strategic governance and operational management of the Torrens Lake and River Torrens?

IMPLICATIONS:

IMPLICATION	COMMENT:
Policy	<p><i>City of Adelaide Strategic Plan 2016-2020:</i></p> <ul style="list-style-type: none"> • By 2020, Aquatic native plants on the Torrens Lake floor will have increased from almost zero to 7,500 m². • Reduce stormwater run-off and pollution into the River Torrens through integrated catchment management and water sensitive urban design. • Continue to work with the State Government and other councils to reduce stormwater and other pollutants into the River Torrens catchment.
Consultation	<p>Management and strategic governance consultation with key partners has been ongoing through the Summer Lake Management Shared Plan process, NRM River Torrens Governance Review, Green Adelaide consultation and development of the Torrens Lake Watercourse Rehabilitation Assessment report.</p>
Resource	<p>Not as a result of this report.</p>
Risk / Legal / Legislative	<ul style="list-style-type: none"> • <i>Adelaide Parklands Management Act 2005:</i> control and management of dam. • <i>Linear Park Act 2006:</i> establish world-class assets • <i>Environment Protection (Water Quality) Policy 2015</i> • <i>Public Health Act 2011.</i>
Opportunities	<ul style="list-style-type: none"> • Establishment of Green Adelaide under Landscapes SA Bill - urban rivers and wetlands a priority • SA Government River Torrens Governance Review consultation – opportunities to influence governance and vision for the River.

BUDGET / FINANCIAL IMPLICATIONS

IMPLICATION	COMMENT:
19/20 Budget Allocation	\$430K* – general operations and management of assets (public realm, built assets, weir) \$145K* – biodiversity and water quality management (carp eradication, water monitoring, woody weed removal) *annual average
19/20 Budget Reconsideration (if applicable)	Not as a result of this report.
Proposed 20/21 Budget Allocation	General operations (asset management, biodiversity and water quality management costs included).
Ongoing Costs (eg maintenance cost)	Not as a result of this report.
Life of Project or Life Expectancy of Asset	Not as a result of this report.
Other Funding Sources	Not as a result of this report.

BACKGROUND

▪ Historical

- The River Torrens was commandeered for water supply and sewer drainage upon settlement of the City. Within two years, poor water quality, health impacts and unreliable flows were a major concern for settlers.
- Reticulated potable water network and treated sewerage systems relieved the River Torrens from being relied upon and the Torrens Lake was constructed as a recreational asset.
- Today water quality is an ongoing issue in Torrens Lake due to stormwater inflows from a highly altered urban catchment.

▪ Social / Cultural

- Kaurna place of meeting prior to European arrival. *Karrawirra Parri* – River Red Gum Forest. The Torrens Lake is an iconic feature for South Australia.
- Adelaide was situated within view of the River Torrens to reflect the designs of other ‘great’ European cities. However, reduced amenity, pollution and flood risk became politically contentious prior to the Torrens Lake being developed and becoming central to an era of “social recreation”.
- BGA outbreaks reverted the Lake back to its poor amenity of the late 1800s, with social pressure to ‘fix’ the problem peaking in 2007.

▪ Economic

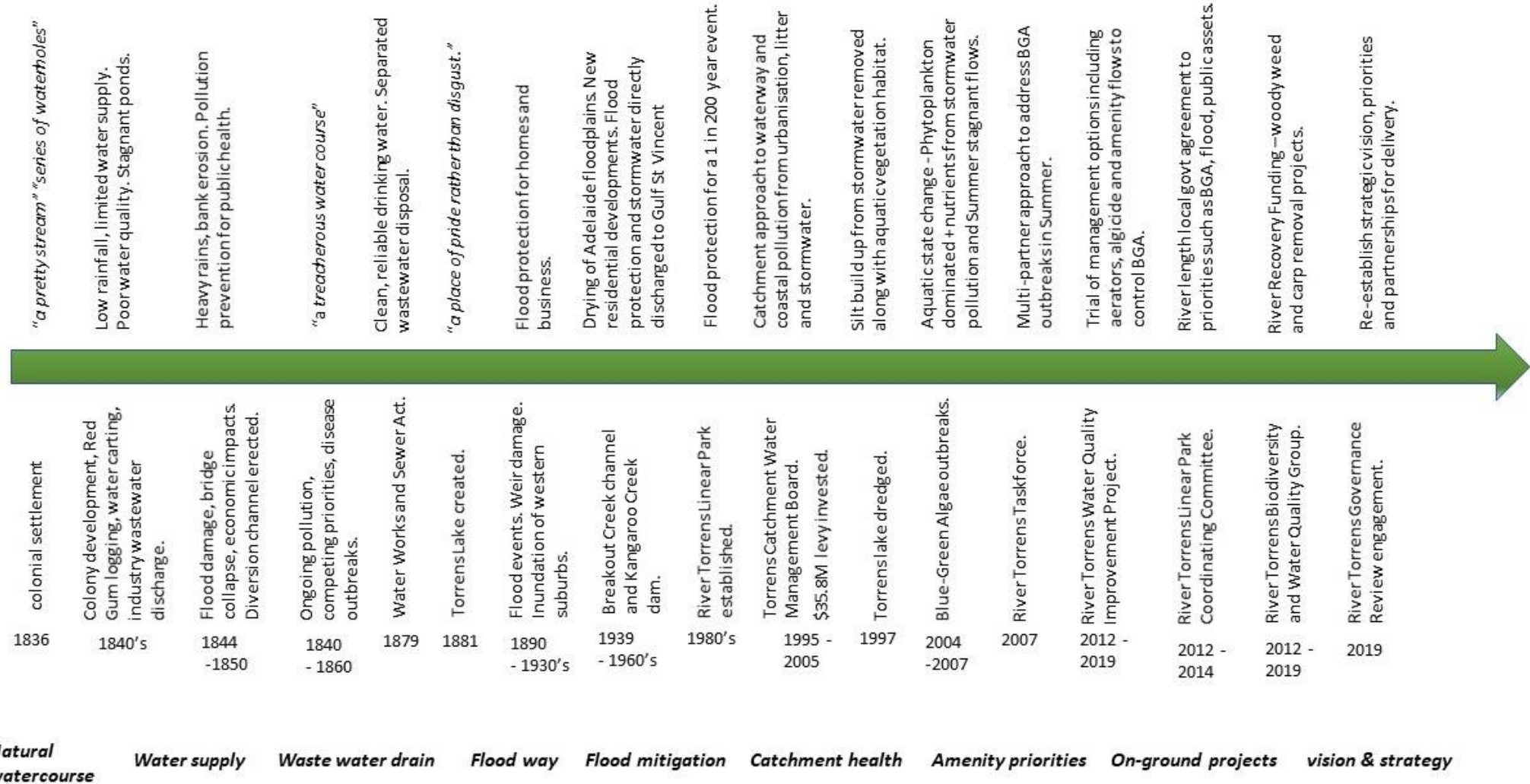
- Place of intensive industry during colonisation. Flooding, erosion, bridge failure and poor water quality impacted economic activity along the River.
- Torrens Lake is a significant tourism drawcard – expansion of Adelaide Convention Centre, Adelaide Oval development, Adelaide Casino, Fringe Festival and Elder Park events all interface with the waterway.
- Substantial investment in catchment management activities and flood mitigation to protect economic activities and property along the River has occurred without consideration of the Torrens Lake’s role in providing amenity for these adjacent facilities.

BACKGROUND

▪ Environmental

- A natural ephemeral water way with over 500km² of water catchment area originally discharged into low lying coastal swamps connected to the Port River environs.
- Effects of colonisation, industrialisation and recreation have significantly impacted aquatic habitat and riparian vegetation communities. Dredging to manage silt in the Torrens Lake transformed the waterway from a macrophyte to a phytoplankton dominated environment.
- Nutrient inflows from catchment wide stormwater discharge, restricted water flows (dams) through the water course and seasonal conditions (summer heat) provide perfect conditions for BGA outbreaks without competition from macrophytes.





RIVER HEALTH FACTORS

▪ **Macrophyte dominant habitat (pre 1997)**

- Submerged vegetation naturally manages organic pollutant removal, reduces turbidity and provides habitat for beneficial aquatic organisms. Dredging of Torrens Lake in 1997 destroyed the macrophyte community. It was estimated that 30% of the riverbed was covered with plants at that time.

▪ **Phytoplankton dominant habitat (current)**

- Algae species, particularly BGA thrive in warm, nutrient rich, stagnant conditions in the absence of macrophytes. This often occurs in Torrens Lake during warm weather conditions when upstream inflows or rainfall is low.

▪ **Stormwater pollution / flood events**

- Stormwater contributes nutrient loads and organic material directly and untreated into the waterway. High rainfall results in gross pollutants and litter being deposited in Torrens Lake at the weir.

▪ **Other river health factors**

- Introduced carp species and riparian plant pests exacerbate poor water quality and hamper efforts to reinstate macrophytes. Poor water quality within the river system adversely impacts on downstream gulf ecosystems and beach amenity.



RIVER HEALTH MANAGEMENT ACTIONS

▪ **Macrophyte revegetation**

- Trials to propagate and reintroduce submerged vegetation have been largely unsuccessful due to uprooting from high flow events, sedimentation, poor light penetration and consumption by waterbirds.

▪ **Mixers/aerators**

- Numerous mixers/aerators have been placed in the Torrens Lake and River Torrens. The effectiveness of the mixers/aerators is believed to be very limited, with only localised destratification around each mixer/aerator.

▪ **Hydrogen peroxide dosing**

- A topical application directly into the water did not conclusively demonstrate an impact on blue-green algae (BGA) counts.

▪ **Pest and weed management**

- Ongoing pest control has removed more than 1,000kg of carp.
- Rehabilitation of Tainmuntilla (Park 11) to remove woody weeds including Ash, Olive and Swamp Oak.

▪ **City stormwater quality improvement**

- Water sensitive urban design features such as bioretention systems, street side raingardens and gross pollutant traps prevent at least 1,500 tonnes per year of material being washed into the stormwater.

▪ **Amenity flows from Kangaroo Creek Reservoir**

- Weekly monitoring of BGA levels and immediate response during Summer has successfully avoided an outbreak in Torrens Lake. Downstream flows are captured for re-use via the Water Proofing the West system.

COA INVESTMENT

- CoA invests annually in managing Torrens Lake infrastructure, River Torrens Linear Park public assets, monitoring water quality, biodiversity restoration, pest management and participating in blue-green algae summer management activities.
- CoA also responds in ‘flood’ events including debris removal, weir operation, linear park re-instatement and repair or replacement of assets damaged by floodwaters (North Course irrigation pump station).
- CoA staff resources are excluded from the estimates in the table below.
- CoA ratepayers NRM levy contribution to NRM Board totalled \$1.68m in 2018/19 with approximately \$30,000 reinvested directly in River Torrens activities within CoA boundary via grants.

Activity	Annual estimate (\$)	Investment partner
GPT maintenance	\$80,000	
Mixers operation and maintenance	\$160,000	
Lake dredging	\$150,000	
High flow / flood clean up costs annual	\$40,000	
2016 storm event (incl clean up, extra dredging, asset damage)	\$1,722,500	
Water quality monitoring	\$90,000	
Riparian weed removal and revegetation	\$30,000	AMLR NRM grant (50%)
Aquatic pest removal (carp)	\$30,000	
Asset inspection (boat landings, weir, decks etc)	\$7,000	
Weir operation	\$7,000	

River Torrens & Torrens Lake

MANAGEMENT OUTCOMES

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- **BGA outbreaks resulting in Torrens Lake closure have not occurred since 2012.**
 - Timed amenity flows and favourable weather conditions have “managed” the level of phytoplankton to within acceptable limits and avoided Lake closures.
 - Summer weather conditions, nutrient loads and lack of moving water remain key influences in phytoplankton levels regardless of interventions trialled over the last seven years.
 - The trial of hydrogen peroxide as a water treatment did not yield expected outcomes.
- **Timed amenity flows have been the most effective response for managing BGA outbreaks.**
 - Timed to ensure Lake water quality is good in March for Adelaide ‘festival’ season.
 - Timed to avoid impacting West Beach users (triggering EPA Beach Alert).
 - Timed to reduce exponential growth of BGA levels
 - Timed in relation to weather conditions.
- **There is no ongoing formal commitment from the State Government (Department of Environment and Water and SA Water) to deliver water for amenity flows.**
 - Stakeholders consulted in the Summer Shared Plan indicated ongoing use of ‘fresh water’ to flush the Torrens Lake was unsustainable without a long term plan for managing water quality.
- **Scientifically supported management interventions to prevent or respond to BGA are limited.**
 - Numerous proponents of treatments have approached EPA, SA Water and CoA – but proof of concepts are lacking.
 - SA Water continues to trial sodium percarbonate in confined waters (reservoirs) to test treatment dosages.

River Torrens & Torrens Lake

MANAGEMENT OPPORTUNITY

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▪ Torrens Lake Rehabilitation Assessment Report

- The study examined options to achieve CoA's Strategic Plan target of increasing aquatic plants on the Torrens Lake floor to 7500m². This is estimated to be the extent of submerged aquatic macrophyte vegetation covering the lake floor prior to dredging.
- Study proposed two options:
 - Option 1 - Shallowing the entire Lake floor was not considered feasible due to the impacts on Lake users (e.g. rowing and Popeye) and also the technical difficulties with retaining filled sediment and macrophytes during high flow events.
 - Option 2 – A series of wetlands (in-channel and side-channel) with a maintained flow path through the Lake. This was considered feasible and further modelling work was undertaken. Estimated cost of \$13m.
- *Study objective: “To design a hydraulically efficient, ecologically functioning Lake, with a diversity of rooted emergent and submerged macrophyte species over a significant proportion of the Lake’s area”*

TORRENS LAKE REHABILITATION WETLAND OPTION

- A series of wetlands (in-channel and side-channel) with a maintained, hydraulically separated flow path through the Lake.



TORRENS LAKE REHABILITATION WETLAND OPTION

▪ Torrens Lake Rehabilitation Assessment – Wetland Option benefits:

- A protective and supportive environment for the re-establishment of macrophytes by;
 - Providing shallower water levels and improved light penetration to support plant growth.
 - Reducing flow velocities for plant stability.
 - Reducing grazing pressure from carp and birds.
- Balance the phytoplankton dominated environment which perpetuates algae growth by re-establishing macrophytes that 'out compete' BGA and act as a natural 'cleaning' process.
- Improve water quality by reducing sediment and nutrient loads from organic pollutants, reducing turbidity and providing habitat for beneficial aquatic organisms.
- Reduce the total Lake water volume and establish a designated channel which allows depths to cater for boat movement and flood conveyance. This will also reduce the volume of amenity flow waters required in future years.
- Create a unique visitor experience showcasing South Australian native wetland environments, plant communities and species and provide outdoor recreation activities (boardwalks and viewing areas) in the heart of the City.
- Provide habitat for native species of water birds, frogs and native fish species.





TORRENS LAKE REHABILITATION WETLAND OPTION



Current



At 10 years

TORRENS LAKE REHABILITATION WETLAND OPTION

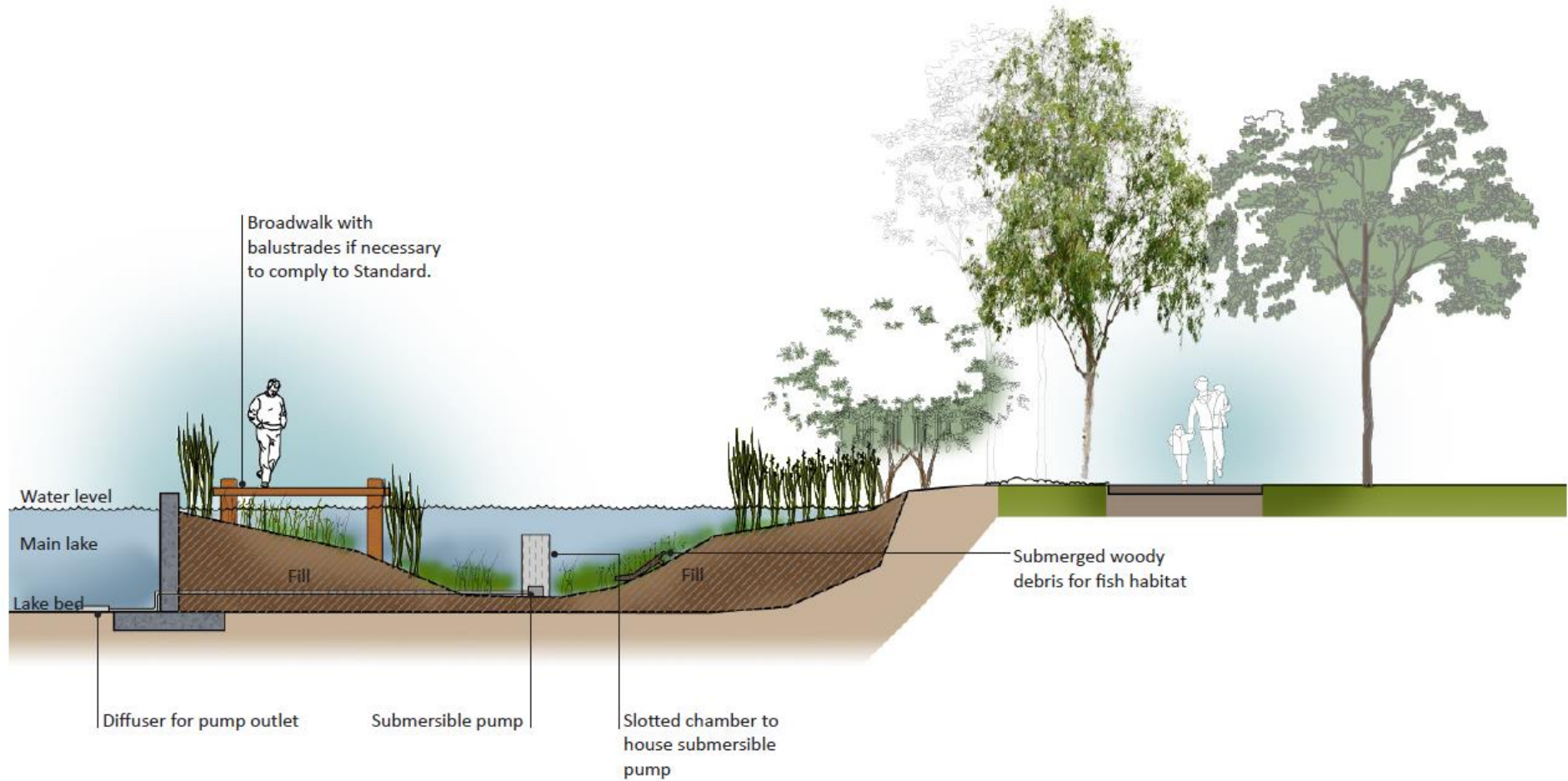


Current



At 10 years

TORRENS LAKE REHABILITATION WETLAND OPTION



TORRENS LAKE REHABILITATION WETLAND OPTION

▪ Other considerations:

- Phytoplankton dominated aquatic environments are highly resistant to reversal back to macrophyte dominated.
- Wetlands do not guarantee that algal blooms will not occur in the future.
- Amenity flows may be needed to manage water quality issues however the volume of water required is substantially less with a smaller designated flow path.
- Only options for wetlands within the City of Adelaide boundary were included in the investigations. Further upstream conditions and options should be investigated from a catchment perspective.
- Wetlands would need to be part of a broad catchment strategy and management approach to improve water quality outcomes for the long term.
- Other options have been put forward to manage BGA outbreaks, including a proposal undertaken by Aurecon to investigate a stormwater bypass system to completely hydraulically separate the lake from the River. Estimated investment required was \$30m (2011 costs) and assumptions based on available amenity flow volumes at the time.
- Ongoing maintenance costs and management requirements for CoA will likely increase for any 'solution'.
- Governance arrangements for River Torrens and Torrens Lake need to be clearly established with a shared vision and committed investment by all stakeholders to create and maintain wetlands.



GOVERNANCE

- In 2005, the Torrens Catchment Water Management Board was subsumed into the Adelaide and Mount Lofty Ranges Natural Resources Management Board and the levy collected via council rates expanded to fund a broader range of NRM activities with higher order priority such as land management and pest control.
- Since 2005, governance of River Torrens has occurred through numerous formal and informal ‘partnerships’ between stakeholders at different scales with a focus on specified outcomes, rather than a coordinated, integrated and strategic approach.
 - **Legislation** - a number of Acts govern the River Torrens, Torrens Lake and environs for the purposes of flood mitigation, public health, recreation and open space. The *Natural Resources Management Act 2004* also applies to water extraction activities and water allocation planning.
 - **City of Adelaide** – has direct care and control of the dam (weir) and waters behind the dam and is the riparian zone custodian under the Adelaide Park Lands Act. CoA has collaborated with stakeholders in numerous governance arrangements but also undertakes direct activities for operational and asset management purposes. On Lake activities are licensed by CoA.
 - **SA State Government Agencies** – in 1995 the Torrens Catchment Water Management Board was the lead agency for governance, strategic direction and operational investment. Formal partnerships delivered joint benefits, co-investment and shared vision for managing floodwaters, water quality, biodiversity and public assets in the Linear Park. Since 2005, the Torrens Taskforce and River Torrens Linear Park Coordinating Committee have devolved “governance” to operational activities and working groups who continue to act in good faith and without formal governance arrangements or strategic leadership.
 - **Department for Environment and Water** – has assumed the lead role in reviewing the current governance of River Torrens through stakeholder consultation as a key finding of the Torrens Taskforce Review of 2017 was a lack of clear governance. The intention is to establish an agreed model for future governance of the River Torrens and Torrens Lake. CoA is participating in this activity.

River Torrens & Torrens Lake

GOVERNANCE (SINCE 2005)

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- **Torrens Taskforce 2007**
 - Established by the Minister for Environment and Conservation to respond to community concerns about BGA outbreaks in the Torrens Lake. Priority objectives included accelerating existing management activities (across the catchment), set water quality objectives, monitor water quality and reduce algal blooms.
 - Membership included State and Local government, non-government, industry and research organisations.

- **River Torrens Linear Park Co-ordinating Committee (RTLPPCC) 2012 - 2014**
 - Formal agreement via MoU with representatives from DEW, DPTI, SA Water, EPA and the eight linear park councils.
 - Membership intended to be at Chief Executive level to determine the key priorities for River Torrens management and provide strategic oversight.
 - Two sub-groups of RTLPPCC created and outputs included the River Torrens Linear Park Strategic Integrated Asset Management Plan 2017 and the River Torrens Pest Management Plan.

- **River Torrens Water Quality Improvement Project (RTWQIP) 2007 to 2019**
 - Informal partnership between CoA, EPA, SA Water, NRM, Riverbank businesses, DPTI and Charles Sturt Council to deliver the Torrens Taskforce outcomes and mitigate BGA blooms.
 - Trialled numerous solutions to manage BGA blooms including mixers, hydrogen peroxide dosing, macrophyte planting and dilution/amenity flows in an informal shared cost arrangement.

GOVERNANCE OUTCOMES

- **2017 Review of Torrens Taskforce** and the current status of the management of the River Torrens and Lake (including RTWQIP) findings:
 - There is currently a lack of clear governance arrangements and strategic direction for the management of the River Torrens.
 - Any governance arrangements established have devolved to operational and less senior staff within agencies responsible for management of the River Torrens.
 - Communication on the River Torrens and Lake is primarily media driven, risk focussed communication responses rather than broader community information, education and engagement.
- **Long term River health**
 - There is not a shared vision for outcomes of the River Torrens and Torrens Lake which meets all stakeholder interests. A vision is needed to address the complexity and inter-jurisdictional nature of urban water management.
 - Sustainable water quality and ecological outcomes cannot be achieved without clear direction and ongoing investment to achieve the shared vision.
- **Governance arrangements**
 - Ongoing reactive management approaches will continue in the short term until a new agreed model is established.
 - CoA is participating in the 2019 Review of River Torrens Governance process (May, July, August, September workshops) led by the Department of Environment and Water to develop an agreed 'new' governance model.
 - Recent investment and development focused on and around the Torrens Lake presents an opportunity to advocate for improved planning and greater investment in the Lake that is concurrent with the value that it provides for the adjacent businesses and the economy as a whole.



RISKS

▪ Governance

- The 2019 Review of River Torrens Governance engagement process may not deliver an agreed model or may result in continued ambiguity regarding leadership and direction.
- CoA may be seen as the lead agency in coordinating Torrens Lake management in the absence of leadership from other state agencies.

▪ Investment

- Current CoA investment in river health management actions may not be enough to create a sustained improvement in river water quality on it's own. Partnership co-funding needs to be secured.
- Lack of consistent, available and secure funding over time will continue to erode confidence in proposed large scale investment in opportunities such as the proposed Wetlands Option.

▪ Climate

- A drier catchment with reduced overall rainfall (coupled with water resource planning policies) will effect the availability of water for amenity flows.
- Changing climatic conditions may increase intensity of river waters, contributing pollution to the waterway in Summer months which is conducive to algal blooms.

▪ Ecological health

- Continued domination by phytoplankton, nutrient rich inflows from the Torrens catchment and pests such as carp will exacerbate the decline of ecological health of the River Torrens and Torrens Lake beyond a threshold that can be reverted.

▪ Community

- The Shared Plan workshop held with Torrens Lake stakeholders identified limited support for amenity flows without an improved long term vision and agreed investment plan to create a sustainable ecological environment.
- Amenity flows for Torrens Lake water quality management during drier periods and drought conditions, when local water resources are limited and the Murray River is threatened, will generate scrutiny of CoA's commitment to sustainability.

OPPORTUNITIES

▪ **Emerging policy priorities**

▪ NRM Reform

- It is proposed that Green Adelaide will replace the AMLR NRM Board under the Landscapes South Australia Bill currently before Parliament. Urban Rivers and Wetlands will be a priority focus for Green Adelaide with an agenda to “Take a leadership role in reviewing the existing complex management arrangements, such as for the River Torrens.” This aligns with CoA’s current strategic plan outcomes.

▪ Integrated Urban Water Planning

- DEW are investigating the Water Sensitive City approach to integrated water management which may influence River Torrens objectives and outcomes. This will align with CoA strategic water management priorities in 2019/20.

▪ **Governance review**

▪ DEW River Torrens Governance Review

- An agreed governance model will establish a formal committee to coordinate all river stakeholders in the future management of the River Torrens with clearly defined roles and responsibilities. This may help CoA to focus on its ‘patch’ whilst contributing to broader objectives.
- The current governance review process is aiming to develop a proposal to present to catchment councils in November.

▪ **Capital City Committee (CCC)**

- CoA advocacy for prioritisation of a vision and the health of Torrens Lake can raise the profile of investment and collaboration to achieve a shared vision with Torrens Lake stakeholders. The CCC has the capability to develop a closer relationship with Green Adelaide and seek shared investment opportunities to deliver sustainable ecological outcomes for the Torrens Lake.

KEY QUESTIONS:

KEY QUESTION

What is Council's vision for the Torrens Lake and River Torrens environs?

KEY QUESTION

Is this vision being delivered through Council's current commitments?

KEY QUESTION

What role should Council play in the strategic governance and operational management of the Torrens Lake and River Torrens?

Lot Fourteen Renewal SA – North Terrace Upgrade Tree Removal

ITEM 7.1 17/09/2019
The Committee

Program Contact:

Jean-Pierre Koekemoer, AD
Infrastructure 8203 7251

2009/01983
Public

Approving Officer:

Klinton Devenish, Director Place

EXECUTIVE SUMMARY

Renewal SA, on behalf of the State Government, is responsible for the redevelopment of the \$550 Million Lot Fourteen site on the corner of North Terrace and Frome Road. Renewal SA presented its plans for Lot Fourteen to Council on 3 September 2019. To achieve its objectives and integrate the Lot Fourteen frontage with the public realm there is a requirement for the removal of eleven (11) street trees on North Terrace. The eleven (11) trees consist of ten *Ulmus minor* (English Elms) and one *Platanus Acerifolia* (Plane Tree).

Renewal SA view this as an opportunity to resolve numerous site challenges along its public interface to North Terrace, including:

- realigning street kerbing to allow for widening of the footpath to remove the current choke points
- modification of ground levels to facilitate universal access
- improving public amenity by applying materials and palettes from the North Terrace Master Plan to match the rest of North Terrace.

Renewal SA has committed funding to undertake the tree removals and implement the upgrades to the north side of North Terrace from Frome Road to the front of the Bice Building (the area in which the subject trees are located).

RECOMMENDATION

THAT THE COMMITTEE RECOMMENDS TO COUNCIL

That Council:

1. Approves in its capacity as having care and control of the land the removal of ten *Ulmus minor* (English Elm) and one only *Platanus Acerifolia* (Plane Tree), located on North Terrace adjacent to the Old Royal Adelaide Hospital site now known as Lot Fourteen as shown in Attachment A (tree numbers three to thirteen) to Item 7.1 on the Agenda for the meeting of The Committee held on 17 September 2019, subject to a minimum of eleven trees being replaced within the footpath adjacent to the Lot Fourteen development as presented by Renewal SA on the 3 September 2019 (Attachment B to Item 7.1 on the Agenda for the meeting of The Committee held on 17 September 2019).

IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment – Green Maintenance and succession planting of compromised tree assets broadly aligns with Green objective 2.2 to increase the green space and greenery in the built-up areas of the City.
Policy	The removal and replacement align with City of Adelaide’s Tree Management Framework.
Consultation	Removal of regulated and significant trees in the City’s streets will be subject to category 2 public notification (notice to adjoining land owner with opportunity for representation but no rights of appeal).
Resource	Removal and replacement costs are managed by Renewal SA as part of the planned development on site.
Risk / Legal / Legislative	Not as a result of this report
Opportunities	This redevelopment by Renewal SA enables the next stage (Precinct 4) of the 2001 Master Plan for North Terrace to be delivered. The changes proposed to site will improve access and movement due to increased footpath widths, changes to levels associated with the property interface and materials palette which will resolve many existing limitations to the site while also resetting the street tree assets for future generations.
19/20 Budget Allocation	Not in relation to this report – Removal and replacement costs are managed by Renewal SA
Proposed 20/21 Budget Allocation	Not in relation to this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The replacement trees will have a useful life expectancy of 100 years
19/20 Budget Reconsideration (if applicable)	Not in relation to this report
Ongoing Costs (egg maintenance cost)	Costs will be covered within current operational budgets
Other Funding Sources	Not in relation to this report

DISCUSSION

1. The Committee considered a report into this matter at its meeting on 20 August 2019 and resolved 'That the matter be deferred.'
2. Renewal SA presented its plans for Lot Fourteen to Committee on 3 September 2019 (**Attachment B**).

North Terrace Master Plan Context

3. The Lot Fourteen redevelopment is an opportunity to reimagine how the east end of North Terrace plays a role in the city and is an opportunity for CoA to consider its own aspirations for the North Terrace cultural boulevard. The design has been informed by the North Terrace Masterplan (2001).
4. Two major changes to the Master Plan include the extension of the tram to the East End and the relocation of the Royal Adelaide Hospital to the West End of North Terrace.
5. A key objective of Lot Fourteen redevelopment is to connect the Botanical Gardens with North Terrace in an integrated manner that would encourage visitors to move between attractions including universities, museum and galleries.
6. Redevelopment objectives are focused on job creation, culture and education opportunities. It is estimated there will be 6000 site users which would consist of workers, innovators, entrepreneur and researchers actively in and around the area. The Mission Control and Space Discovery Centre is expected to attract 60,000 to 70,000 visitors per year. The future Aboriginal Arts and Culture Centre is also expected to attract more than 300,000 visitors per year.
7. The proposed upgrade to this part of North Terrace will create an uninterrupted green walk along the north side of North Terrace, consistent with the master plan principle of the Terrace Walk which is consistent with both the Street, Squares & Park Lands Guideline and the Adelaide Design Manual. Both documents classify North Terrace as a Ceremonial Boulevard which prioritises pedestrian experiences and is a place for public ceremonies and events.
8. The design nominates a palette of materials consistent with the 2001 North Terrace Master Plan. The pavement material is a high-quality natural stone paver, combining South Australian Austral Black Granite with South Australian Balmoral Green Granite. The latter granite being the predominant material throughout North Terrace.
9. The footpath width will be increased from 4.5 metres to 5.6 metres without obstruction to create a shared use path for pedestrians and cyclists. This is the current design solution to accommodate cyclists, as a dedicated bikeway on road or footpath is not achievable in this location due to space limitations resulting from the tramway extension into North Terrace.
10. The improvements to the public realm as proposed would not be possible while retaining the existing trees, as upgrading the footpath in accordance with the Adelaide Design Manual standards and the North Terrace Master Plan would necessitate significant substrate concrete pavement and construction work is most likely to damage and impact the tree root zone, thus impacting on health and stability.
11. The proposal is to remove 10 regulated trees and one significant tree (**Attachment A**) which will be replaced by 12 new 6.5 metre tall, semi mature trees. The replacement tree species is Platanus Acerifolia (Plane Tree) which is the tree species planted throughout North Terrace. These trees will be planted incorporating appropriate root barrier treatments in good soils with irrigation. It is expected that the trees and their canopies would fill out and mature within the next five years.
12. 29 new semi mature trees are proposed within the boundaries of the Lot Fourteen site.
13. On 17/08/2005, during the second stage of the North Terrace Redevelopment, Council approved the removal of 34 trees. Twenty-four (24) of these trees were located on the northern side and ten trees were located on the southern side of North Terrace between Pulteney Street and Frome Road, which included three significant trees. The 34 trees removed were replaced with 48 Plane trees.
14. On 09/11/2009 Council approved the removal of 33 non-significant and one significant tree in the Prince Henry Gardens section of North Terrace located between King William Road and Kintore Avenue. The tree removals provide the opportunity to establish street tree plantings consistent with previous stages of the North Terrace redevelopment project.

Tree Characteristics – Trees proposed for removal

15. The CoA's Arborist has reviewed the condition of these trees and provided a tree assessment report ([Link 1](#)).
16. We have been continuing to assess these trees for some years due to their age and how they present from a general health and vigour perspective.

17. There have been regular canopy maintenance actions to remove dead wood and reduce over extended limbs bearing weight which became a safety concern due to the various stages of decline occurring with all these trees.
18. Further investigations into the structural wood of these trees indicates that these trees may have a useful life expectancy of at least 20 years if managed responsibly ([Link 1](#)).
19. A risk assessment has been carried out on these trees and the risk imposed by these trees is 'tolerable' using the Quantified Tree Risk Assessment methodology (QRTA).
20. Historical photos indicate that the trees are over 100 years old. Aerial photos from 1935 show them to be well established.
21. These trees collectively make a notable visual element to the locality. The absence of any trees in the footpath to the east and the complete absence of any trees on the opposite footpath to the southern side of North Terrace highlights the importance of the contribution they make.
22. The monetary value of these trees has been calculated to be \$660,000 using the endorsed 'Urban Forest Tree Valuation' methodology.
23. On the basis that the trees will need to be replaced sometime into the future, the collective improvements being proposed, including the progressive completion of the North Terrace Master Plan with the cost to be borne by Renewal SA, demonstrates the benefits of removing the trees at this time.

Tree Succession

24. Once the development of the site is progressed to a point to allow for replacement trees to be installed, Renewal SA have committed to ensuring that as many trees as is practically possible will be planted along the frontage which including CoA's footpath space from Frome Road through to the front of the Bice Building, as soon as reasonably practicable ([Link 2](#)).

Future Funding

25. Further upgrades to North Terrace in front of the proposed Australian National Aboriginal Art and Culture Gallery and a contemporary art space will be the subject of further discussion regarding funding. These works, however, would only be completed in conjunction with further construction works on Lot Fourteen at the Australian National Aboriginal Art and Culture Gallery and there are no commitments to these works at this stage.

ATTACHMENTS

Attachment A – Independent Report from Dean Nicolle

Attachment B – Renewal SA presentation

- END OF REPORT -

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Tree Assessment – Lot 14 North Terrace, Adelaide, SA

Arboricultural assessment of 20 trees in relation to a proposed development



Arboricultural assessments and report requested by James Hayter, Director of *Oxygen Landscape Architects*, on the 9th of October 2018.

Arboricultural report prepared by Dean Nicolle following a site inspection and tree assessments on the 10th of October 2018.

Arboricultural report dated the 10th of October 2018.

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1.0 BACKGROUND

The redevelopment of the old Royal Adelaide Hospital site, now known as 'Lot 14', has the potential to impact on a number of trees that occur on and adjacent to the subject site.

This report provides the findings of my arboricultural assessment of 20 trees that occur along the North Terrace frontage of the subject site (see Figure 1).

2.0 METHODOLOGY

The assessment of the 20 trees subject of this report was undertaken on the 10th of October 2018. The location and numbering of the 20 trees included in this assessment is indicated on a Google Earth image of the site in Figure 1. Assessed trees were not physically marked or labelled in the field.

Recommendations made in this report are intended to provide information to assist decision-making with regard to tree retention on the site *for planning and design purposes* associated with any site development. This report does not provide ongoing detailed tree management relating to individual trees. However, it is recommended that such detailed assessment be undertaken on retained trees *following* any development of the site.

2.1 Scope of this tree assessment and report

The purpose of the tree assessment is to provide quantitative and qualitative information on the trees along the southern boundary of the site (adjacent to Fidler Road) and along the North Terrace frontage of the site. Only trees of the genus *Platanus* (plane trees) and *Ulmus* (elm trees) were included in this assessment.

For the 20 trees assessed, the following data were recorded:

- Tree identification (label) number;
- Scientific name (species, subspecies, variety, cultivar);
- Common name;
- Trunk circumference(s) at one metre above ground level;
- Status as defined by the *Development Act 1993*;
- Status as defined by the *Native Vegetation Act 1991*;
- Age (estimated; in years);
- Origin (remnant, planted, self-seeded weed, etc.);
- Current health status;
- Projected further life expectancy;
- Tree structure;
- Biodiversity value;
- Landscape value; and
- Retention value.

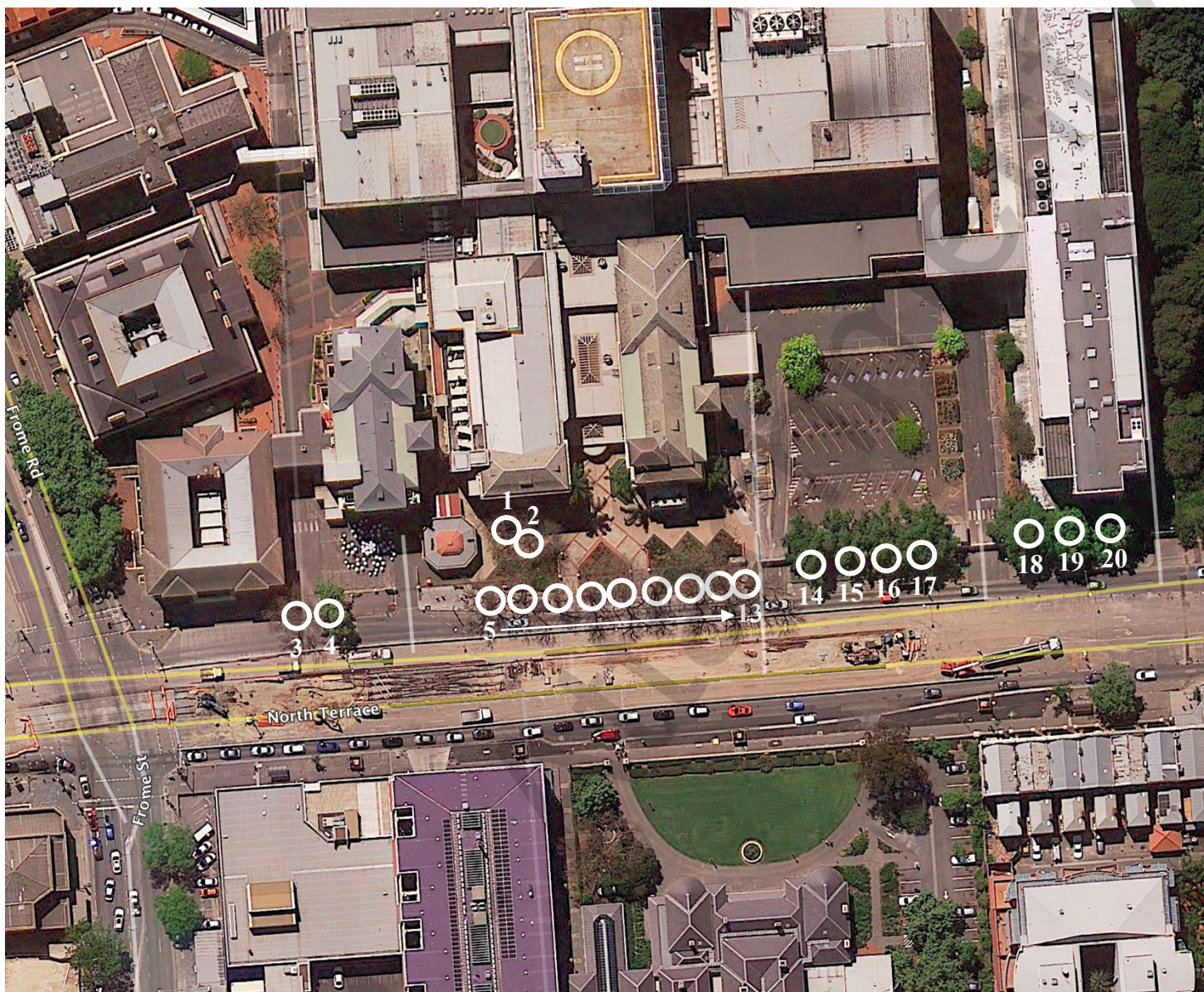


Figure 1. Tree locations. Google Earth satellite image of the site, indicating the location and labelling of the 20 trees included in this arboricultural assessment.

3.0 TREE SPECIES

The 20 trees represent three species (see Table 1), indicating a low level of tree diversity.

4.0 DEVELOPMENT ACT 1993

In accordance with the *Development (Regulated Trees) Variation Regulations 2011* under the *Development Act 1993*:

- Only 1 of the 20 trees is significant (*Tree 9*), having a trunk circumference or a combined trunk circumference of *greater than three metres* at one metre above ground level and not being exempt by virtue of their species or by the bushfire rating of the locality and the distance to a residential dwelling.
- A further 10 of the 20 trees are regulated, having a trunk circumference or combined trunk circumference of *between two and three metres* at one metre above ground level and not being exempt by virtue of their species or by the bushfire rating of the locality and the distance to a residential dwelling.
- The remaining 9 trees are non-regulated, having a trunk circumference or combined trunk circumference of *less than two metres* at one metre above ground level, or being exempt by virtue of their species or by the bushfire rating of the locality and the distance to a residential dwelling.

The legal status of the trees according to the *Development (Regulated Trees) Variation Regulations 2011* under the *Development Act 1993* is indicated in Table 1 and is graphically indicated in Figure 2. Trees defined as significant or regulated by the *Act* cannot be removed, damaged or pruned by more than 30% of the crown area without local government (Council) development approval.

The legal status of the tree (significant, regulated or non-regulated) does not necessarily equate to the crown size, aesthetic value or visibility of the tree in the landscape, but is merely based on the trunk circumference, species and bushfire classification of the locality, as inferred from the *Development (Regulated Trees) Variation Regulations 2011* under the *Development Act 1993*.

Table 1. Species and Development Act 1993. The 20 trees assessed, indicating their tree number, scientific name, common name, Trunk circumference at one metre above ground level, and legal status (as defined by the Development Act 1993).

Tree	Scientific name	Common name	Trunk circumference at one metre	Legal status (Development Act 1993)
1	<i>Ulmus parvifolia</i>	Chinese elm	0.98 + 0.80 + 0.77 = 2.55 m	Regulated
2	<i>Ulmus parvifolia</i>	Chinese elm	1.20 m	Non-controlled
3	<i>Ulmus minor</i> 'Atinia'	English elm	2.52 m	Regulated
4	<i>Platanus x hispanica</i> 'Acerifolia'	London plane	1.05 m	Non-controlled
5	<i>Ulmus minor</i> 'Atinia'	English elm	2.77 m	Regulated
6	<i>Ulmus minor</i> 'Atinia'	English elm	2.98 m	Regulated
7	<i>Ulmus minor</i> 'Atinia'	English elm	2.67 m	Regulated
8	<i>Ulmus minor</i> 'Atinia'	English elm	2.70 m	Regulated
9	<i>Ulmus minor</i> 'Atinia'	English elm	3.01 m	Significant
10	<i>Ulmus minor</i> 'Atinia'	English elm	2.93 m	Regulated
11	<i>Ulmus minor</i> 'Atinia'	English elm	2.74 m	Regulated
12	<i>Ulmus minor</i> 'Atinia'	English elm	2.72 m	Regulated
13	<i>Ulmus minor</i> 'Atinia'	English elm	2.67 m	Regulated
14	<i>Platanus x hispanica</i> 'Acerifolia'	London plane	1.76 m	Non-controlled
15	<i>Platanus x hispanica</i> 'Acerifolia'	London plane	1.35 m	Non-controlled
16	<i>Platanus x hispanica</i> 'Acerifolia'	London plane	1.57 m	Non-controlled
17	<i>Platanus x hispanica</i> 'Acerifolia'	London plane	2.04 m	Non-controlled ¹
18	<i>Platanus x hispanica</i> 'Acerifolia'	London plane	Estimated 2.60 m	Non-controlled ¹
19	<i>Platanus x hispanica</i> 'Acerifolia'	London plane	Estimated 2.00 m	Non-controlled ¹
20	<i>Platanus x hispanica</i> 'Acerifolia'	London plane	Estimated 1.70 m	Non-controlled

¹ *Platanus x hispanica* 'Acerifolia' (London plane) is listed as a generically exempt species in the Development Act 1993 (where listed under the synonym *Platanus x acerifolia*), even when the trunk has a circumference of greater than two metres.

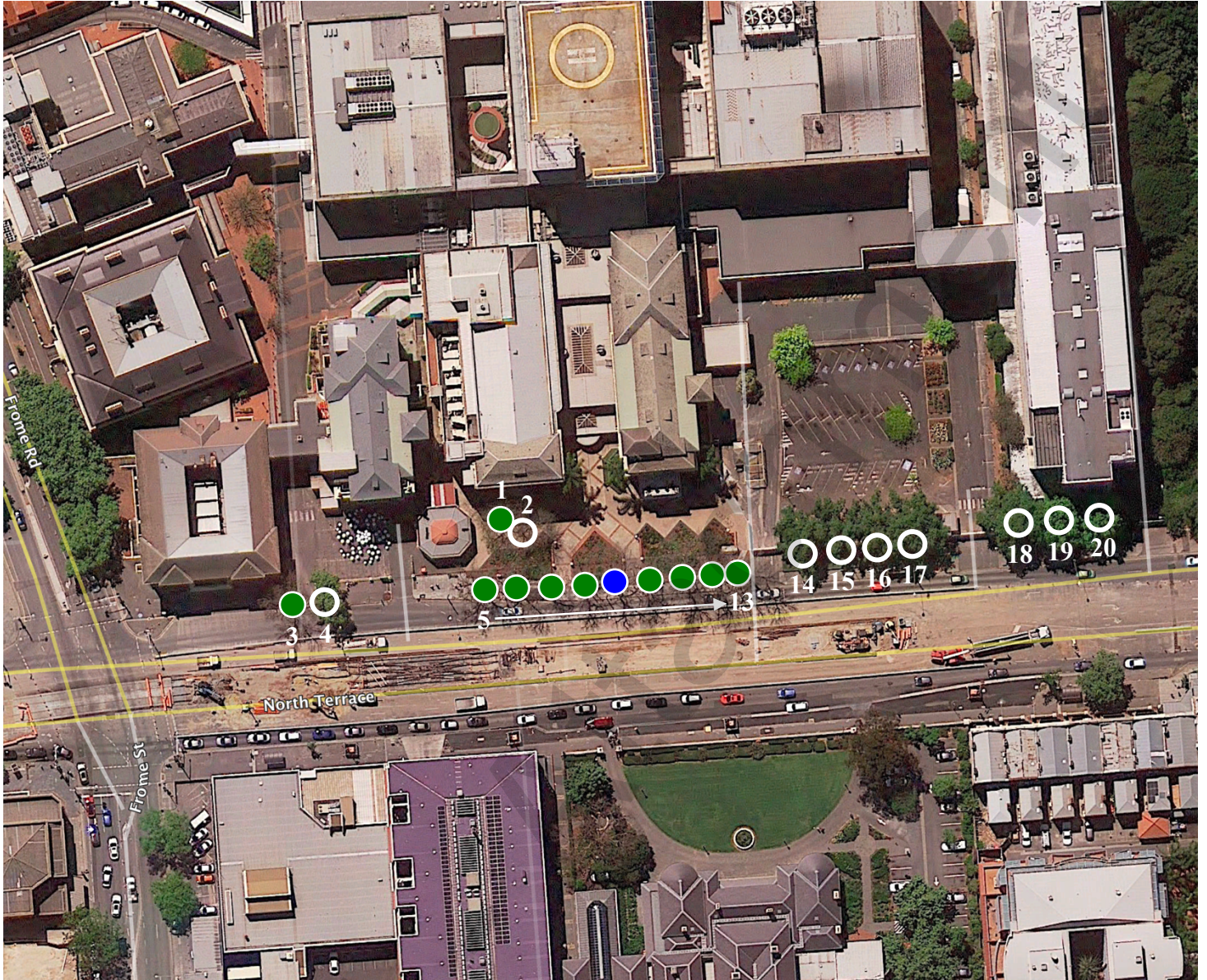


Figure 2. Significant & regulated trees. The 20 assessed trees, indicating their legal status as defined by the Development Act 1993 (also see Table 1).

- Blue** = **Significant** as defined by the Development Act 1993.
- Green** = **Regulated** as defined by the Development Act 1993.
- Clear** = **Non-controlled** as defined by the Development Act 1993.

5.0 NATIVE VEGETATION ACT 1991

In accordance with the *Native Vegetation Regulations 2017* under the *Native Vegetation Act 1991*:

- None of the 20 trees are protected under the *Native Vegetation Act 1991*, being remnant or semi-remnant trees of species indigenous to the site, and not being exempt by virtue of their dead status and trunk circumference, or their distance to a building.
- All 20 of the 20 trees on the site are not protected under the *Native Vegetation Act 1991*, being intentionally planted trees or self-seeded trees of species that are not indigenous to the site, or being exempt by virtue of their dead status and trunk circumference, or their distance to a building.

The protected status of the trees according to the *Native Vegetation Regulations 2017* under the *Native Vegetation Act 1991* is indicated in Table 2. The removal of trees protected under the *Act* may require Council notification or approval.

6.0 TREE ORIGIN and AGE

The origin and estimated age (in years) of each of the 20 trees is indicated in Table 2. The natural distribution for the species of each tree is also provided in Table 2. The following categories of tree origin were assigned to each tree:

Remnant – No trees.

Defined as trees that *certainly* pre-date European settlement and development of the site.

Semi-remnant – No trees.

Defined as trees that are naturally seeded but probably post-date European settlement and development of the site.

Planted – 20 trees.

Intentionally planted trees.

Planted trees included in this report range in estimated age from 18 to 140 years old.

Self-seeded weed – No trees.

Trees that are exotic to the locality and have certainly self-established in a weedy manner.

Table 2. Origin, age Native Vegetation Act 1991. The 20 trees assessed, indicating their tree number, abbreviated scientific name, natural distribution of the species, tree origin, estimated tree age (in 2018), and legal protection of the tree under the Native Vegetation Act 1991.

Tree	Scientific name	Natural distribution of species	Origin	Age (years)	Protected under Native Vegetation Act (1991)
1	<i>Ulmus parvifolia</i>	Eastern Asia	Planted	20 - 40	No
2	<i>Ulmus parvifolia</i>		Planted	20 - 40	No
3	<i>Ulmus minor</i> 'Atinia'	Garden cultivar of the variable <i>U. minor</i> (field elm), which originates in Europe and Asia Minor	Planted	70 - 140	No
4	<i>Platanus x hispanica</i> 'Acerifolia'	Garden cultivar of a hybrid between the Eurasian <i>P. orientalis</i> (oriental plane) and the North American <i>P. occidentalis</i> (American sycamore)	Planted	18 - 35	No
5	<i>Ulmus minor</i> 'Atinia'	Garden cultivar of the variable <i>U. minor</i> (field elm), which originates in Europe and Asia Minor	Planted	70 - 140	No
6	<i>Ulmus minor</i> 'Atinia'		Planted	70 - 140	No
7	<i>Ulmus minor</i> 'Atinia'		Planted	70 - 140	No
8	<i>Ulmus minor</i> 'Atinia'		Planted	70 - 140	No
9	<i>Ulmus minor</i> 'Atinia'		Planted	70 - 140	No
10	<i>Ulmus minor</i> 'Atinia'		Planted	70 - 140	No
11	<i>Ulmus minor</i> 'Atinia'		Planted	70 - 140	No
12	<i>Ulmus minor</i> 'Atinia'		Planted	70 - 140	No
13	<i>Ulmus minor</i> 'Atinia'		Planted	70 - 140	No
14	<i>Platanus x hispanica</i> 'Acerifolia'	Garden cultivar of a hybrid between the Eurasian <i>P. orientalis</i> (oriental plane) and the North American <i>P. occidentalis</i> (American sycamore)	Planted	25 - 45	No
15	<i>Platanus x hispanica</i> 'Acerifolia'		Planted	25 - 45	No
16	<i>Platanus x hispanica</i> 'Acerifolia'		Planted	25 - 45	No
17	<i>Platanus x hispanica</i> 'Acerifolia'		Planted	25 - 45	No
18	<i>Platanus x hispanica</i> 'Acerifolia'		Planted	25 - 45	No
19	<i>Platanus x hispanica</i> 'Acerifolia'		Planted	25 - 45	No
20	<i>Platanus x hispanica</i> 'Acerifolia'		Planted	25 - 45	No

7.0 TREE HEALTH

All assessed trees were given an overall current health rating, relating to the health status, health trend, and vigour of the tree (see Table 3).

<u>Excellent:</u>	No trees.
<u>Above average:</u>	8 trees.
<u>Average:</u>	7 trees.
<u>Below average:</u>	4 trees.
<u>Poor:</u>	1 tree (<i>Tree 10</i>).
<u>Very poor:</u>	No trees.

The current health of the tree does not necessarily relate to the life expectancy of the tree, especially where tree health is related to seasonal factors or recent conditions.

Note: The health and longevity of a tree can be unrelated to the structure and associated risk to safety represented by the tree. As such, a healthy tree can sometimes be structurally flawed and/or otherwise represent an unacceptable risk to safety, while an unhealthy or even a dead tree can sometimes be structurally sound and represent an acceptable risk to safety.

8.0 FURTHER USEFUL LIFE EXPECTANCY

The further *Useful* Life Expectancy (ULE) indicates how much longer the tree can usefully and safely fulfil its function within the settings in which it is situated (or proposed to be situated), and under the existing conditions and with reasonable management of the tree.

The further Useful Life Expectancy is based on the characteristics and growing requirements of different species and the current health and health trend of each individual. Useful Life Expectancy figures are of projected years of useful life from now onwards, not of total tree life-span.

Further ULE long

10 of the 20 trees have a further Useful Life Expectancy of a minimum of 20 years (20+ years).

In the case of 7 of these 10 trees (*Trees 14 to 20*), this ULE is dependent on the continued irrigation of turf areas surrounding the trees. If the irrigation of the surrounding turf areas ceases, the ULE for these trees will be reduced to <5 years.

Further ULE short

10 of the 20 trees have a further Useful Life Expectancy of less than 20 years.

9.0 BIODIVERSITY VALUE

The 20 trees were each assessed for their overall biodiversity value (see Table 3), relating to the direct biodiversity value of the tree itself (its species, rarity in the region, etc.) and relating to indirect biodiversity value of the tree (habitat value, presence of habitable faunal hollows, etc.). The following values were assigned to each tree:

Very high – No trees

Reproductively mature, remnant or semi-remnant trees of species indigenous to the site, *and* with some habitable faunal hollows.

High – No trees

Reproductively mature trees of species indigenous to the site, but lacking any habitable faunal hollows. Reproductively mature trees of locally exotic Australian native species that have some habitable faunal hollows have also been assigned a high biodiversity value.

Moderate – No trees

Reproductively mature trees of locally exotic Australian native species/subspecies that lacking any habitable faunal hollows. Reproductively immature trees of species indigenous to the site have also been assigned a moderate biodiversity value.

Low – No trees

Non-Australian native species with some value as feed trees to native fauna have been assigned a low biodiversity value. Conifers and winter-deciduous trees originating from the northern hemisphere, but which have some faunal hollows, have also been assigned a low biodiversity value.

Negligible – 10 trees

Most conifers and winter-deciduous trees originating from the northern hemisphere (and lacking any faunal hollows) have been assigned a negligible biodiversity value.

Invasive – No trees

Tree have been designated invasive if the species is known to be weedy in natural environmental in the local area.

10.0 LANDSCAPE VALUE

The 20 trees were each assessed for their overall landscape value (see Table 3), relating to the conspicuousness of the tree in the landscape and the more subjective aesthetic appeal of the tree. The following landscape values were assigned to each tree:

<u>Very high:</u>	No trees
<u>High:</u>	6 trees
<u>Moderate to high:</u>	10 trees
<u>Moderate:</u>	4 trees
<u>Low to moderate:</u>	No trees
<u>Low:</u>	No trees

Table 3. Health, life expectancy, biodiversity and landscape values. The 20 trees assessed, indicating their tree number, species, origin, age, current health, projected further Useful Life Expectancy (ULE), biodiversity value and landscape value.

Tree	Scientific name	Health	Further ULE (years)	Biodiversity value	Landscape value
1	<i>Ulmus parvifolia</i>	Above average	20+	Negligible	Moderate
2	<i>Ulmus parvifolia</i>	Above average	20+	Negligible	Moderate to high
3	<i>Ulmus minor</i> 'Atinia'	Average	<10 - 20	Low	Moderate to high
4	<i>Platanus x hispanica</i> 'Acerifolia'	Above average	20+	Negligible	Moderate
5	<i>Ulmus minor</i> 'Atinia'	Below average	<5 - 15	Low	Moderate to high
6	<i>Ulmus minor</i> 'Atinia'	Average	<5 - 15	Low	Moderate to high
7	<i>Ulmus minor</i> 'Atinia'	Average	<5 - 15	Low	Moderate to high
8	<i>Ulmus minor</i> 'Atinia'	Average	<5 - 15	Low	High
9	<i>Ulmus minor</i> 'Atinia'	Below average	<5 - 15	Low	High
10	<i>Ulmus minor</i> 'Atinia'	Poor	<2 - 10	Low	High
11	<i>Ulmus minor</i> 'Atinia'	Below average	<2 - 10	Low	High
12	<i>Ulmus minor</i> 'Atinia'	Average	<5 - 15	Low	High
13	<i>Ulmus minor</i> 'Atinia'	Below average	<5 - 15	Low	Moderate to high
14	<i>Platanus x hispanica</i> 'Acerifolia'	Above average	20+ ²	Negligible	Moderate to high
15	<i>Platanus x hispanica</i> 'Acerifolia'	Above average	20+ ²	Negligible	Moderate
16	<i>Platanus x hispanica</i> 'Acerifolia'	Above average	20+ ²	Negligible	Moderate
17	<i>Platanus x hispanica</i> 'Acerifolia'	Above average	20+ ²	Negligible	Moderate to high
18	<i>Platanus x hispanica</i> 'Acerifolia'	Above average	20+ ²	Negligible	High
19	<i>Platanus x hispanica</i> 'Acerifolia'	Average	20+ ²	Negligible	Moderate to high
20	<i>Platanus x hispanica</i> 'Acerifolia'	Average	20+ ²	Negligible	Moderate to high

² This ULE is dependent on the continued irrigation of turf areas surrounding the tree. If the irrigation of the surrounding turf area ceases, the ULE will be reduced to <5 years.

11.0 TREE STRUCTURE

An assessment of the overall structure of each tree is provided in Table 4. Tree structure includes the trunk lean and crown weighting, significant structural defects, atypical basal and trunk characteristics, undesirable or atypical crown characteristics, and dead material present in the crown of the trees, among other attributes. The breakdown of tree structure categories follows:

<u>Excellent:</u>	No trees
<u>Above average</u>	7 trees
<u>Average</u>	6 trees
<u>Below average</u>	6 trees
<u>Poor</u>	1 trees (<i>Tree 11</i>)
<u>Very poor</u>	No trees


The general tree structure does not always directly relate to the risk that the tree represents to personal safety. This is partly because the risk that the tree represents is correlated to the under-crown use of the site as well as the structure of the tree.

Some of the structural defects and undesirable crown characteristics can be mitigated or managed through appropriate maintenance pruning and/or selective crown pruning.

12.0 RISK to PERSONAL SAFETY

The 20 trees were assessed for their current risk to personal safety. The risk associated with each tree is determined by assessing the *likelihood* of structural failure of the tree and parts of the tree, and determining the *consequence* in the case of structural failure of the tree or part of the tree.

The risk to personal safety and to damage property associated with each tree is partly associated with tree structure, although some trees of poor structure may have a relatively low risk (especially in small trees or where the under-crown utilisation of the site is low), and some trees of sound structure may have a relatively higher risk (especially in very large trees, where the under-crown utilisation is high, and in species subject to sudden branch failure events). One of the following risk categories was assigned to each tree (see Table 4):

<u>Very low:</u>	No trees	Acceptable  Unacceptable
<u>Low:</u>	10 trees	
<u>Low to moderate:</u>	9 trees	
<u>Moderate:</u>	1 tree (<i>Tree 11</i>)	
<u>Moderate to high:</u>	No trees	
<u>High:</u>	No trees	

Trees with an elevated risk to safety do not necessarily require removal. Risk reduction techniques, which may include selective crown pruning, branch cabling, personal exclusion zones and engineering solutions, may in some cases adequately reduce the risk of some trees to a lower and/or an acceptable level.

Table 4. Structure and risk. The 20 trees assessed, indicating their tree number, abbreviated scientific name, tree structure, tree structure notes, and risk to safety.

Tree	Scientific name	Tree structure	Tree structure notes	Risk to safety
1	<i>Ulmus parvifolia</i>	Above average	Both trees are generally sound, but have increasing branch lengths.	Low
2	<i>Ulmus parvifolia</i>	Above average		Low
3	<i>Ulmus minor</i> 'Atinia'	Average	Very extensive trunk and branch hollowing (complete wood decay) with numerous entry/exit points at past branch pruning and failure scars.	Low to moderate
4	<i>P. x hispanica</i> 'Acerifolia'	Average	Semi-mature specimen. Slight trunk lean, but generally sound.	Low
5	<i>Ulmus minor</i> 'Atinia'	Average	Each of these trees has very extensive trunk and branch hollowing (complete wood decay) with numerous entry/exit points at past branch pruning and failure scars. The trees have evidence of ongoing branch failure events, associated with their extensive wood decay.	Low to moderate
6	<i>Ulmus minor</i> 'Atinia'	Below average		Low to moderate
7	<i>Ulmus minor</i> 'Atinia'	Below average		Low to moderate
8	<i>Ulmus minor</i> 'Atinia'	Below average		Low to moderate
9	<i>Ulmus minor</i> 'Atinia'	Below average		Low to moderate
10	<i>Ulmus minor</i> 'Atinia'	Below average		Low to moderate
11	<i>Ulmus minor</i> 'Atinia'	Poor		Moderate
12	<i>Ulmus minor</i> 'Atinia'	Average		Low to moderate
13	<i>Ulmus minor</i> 'Atinia'	Below average		Low to moderate
14	<i>P. x hispanica</i> 'Acerifolia'	Above average		Each of these trees has been planted in a raised, regularly-irrigated turf area, which is about 0.5 metres higher than the surrounding paved areas. Modifying the levels to be consistent with the surrounding paved areas would not be possible without the removal of these trees.
15	<i>P. x hispanica</i> 'Acerifolia'	Average	Low	
16	<i>P. x hispanica</i> 'Acerifolia'	Average	Low	
17	<i>P. x hispanica</i> 'Acerifolia'	Above average	Low	
18	<i>P. x hispanica</i> 'Acerifolia'	Above average	Low	
19	<i>P. x hispanica</i> 'Acerifolia'	Above average	Low	
20	<i>P. x hispanica</i> 'Acerifolia'	Above average	Low	

13.0 RETENTION VALUE

The retention value reflects the overall quality of the tree. The 20 trees were each included in one of five retention value categories based on the following data recorded for each tree:

- Historical significance (*National Trust of South Australia*);
- Legal status (*Development Act 1993*) or trunk circumference for exempt species;
- Tree origin;
- Current health;
- Further life expectancy;
- Biodiversity value;
- Landscape value;
- Tree structure; and
- Risk to safety

Each tree was scored for each of these nine characteristics, as indicated in Table 5. The sum of scores for each tree provides a total score for each tree (see Tables 6 and 7). The higher the total score, the more valuable the tree. Total score for each tree can vary from -130 (lowest point value for all nine characteristics) to 120 points (highest point value for all nine characteristics). The retention value of the trees is mapped on the site map in Figure 3.

Table 5. Scoring for retention value. The characteristics and character states used to score each tree to determine its retention value.

Historical significance (NTSA³)	<i>National importance</i> Score: 40	<i>State importance</i> Score: 30	<i>Regional importance</i> Score: 20	<i>Local importance</i> Score: 10	<i>Not listed on NTSA³</i> Score: 0			
Legal status	<i>Significant</i> Score: 10		<i>Regulated</i> Score: 5		<i>Other</i> Score: 0			
Origin	<i>Remnant</i> Score: 10	<i>Remnant/semi</i> Score: 8	<i>Semi-remnant</i> Score: 5	<i>Semi- / planted</i> Score: 3	<i>Planted</i> Score: 0	<i>Planted / weed</i> Score: -5	<i>Weed</i> Score: -10	
Health	<i>Excellent</i> Score: 10	<i>Above average</i> Score: 8	<i>Average</i> Score: 5	<i>Below average</i> Score: 3	<i>Poor</i> Score: 0		<i>Very poor</i> Score: -10	<i>Dead</i> Score: -20
Further ULE	<i>30+ years</i> Score: 10	<i>20+ years</i> Score: 8	<i>10–20+ years</i> Score: 5	<i>10–20 years</i> Score: 2	<i><10–20 yrs</i> Score: 0	<i><5–10 yrs</i> Score: -5	<i><5 years</i> Score: -10	<i><2 yrs</i> Score: -20
Biodiversity	<i>Very high</i> Score: 10	<i>High</i> Score: 8	<i>Moderate</i> Score: 5	<i>Low</i> Score: 2	<i>Negligible</i> Score: 0		<i>Invasive</i> Score: -10	
Landscape	<i>Very high</i> Score: 10	<i>High</i> Score: 8	<i>Mod to high</i> Score: 5	<i>Moderate</i> Score: 3	<i>Low to mod</i> Score: 0		<i>Low</i> Score: -10	
Structure	<i>Excellent</i> Score: 10		<i>Above average</i> Score: 5		<i>Average</i> Score: 0	<i>Below average</i> Score: -5	<i>Poor</i> Score: -10	<i>Very poor</i> Score: -20
Risk to safety	<i>Very low</i> Score: 10	<i>Low</i> Score: 7	<i>Low to mod</i> Score: 4	<i>Moderate & stable</i> Score: 0	<i>Mod & increasing</i> Score: -10	<i>Mod to high</i> Score: -20	<i>High</i> Score: -30	<i>Very high</i> Score: -40

³ National Trust of South Australia register of significant trees.

Table 6. Retention value categories. *The five retention value categories, indicating the score, general description, and the appropriate development constraints for each category.*

Retention value	Score	General description	Development constraints
Very highly worthy of retention	>60 points	Remnant or semi-remnant trees in sound health, with a long Useful Life Expectancy, of superior structure, and with a significant biodiversity value and landscape value	Trees that are very highly worthy of retention are relatively rare and should be retained by appropriate development design and construction.
Highly worthy of retention	45 to 60 points	Trees in sound health and/or with a long Useful Life Expectancy, of generally sound structure (or where defects can be practically mitigated or managed), and usually with a significant biodiversity value &/or landscape value	Trees that are highly worthy of retention should be retained by appropriate development design and construction.
Moderately worthy of retention	30 to 44 points	Trees in sound healthy and/or with an expected moderate to long Useful Life Expectancy, of reasonable structure (or where defects can be mostly mitigated or managed), and of moderate to high biodiversity value &/or landscape value	Trees that are moderately worthy of retention should be retained wherever possible, by appropriate development design and construction.
Scarcely worthy of retention	10 to 29 points	Trees often of reduced health and/or having a short to moderate Useful Life Expectancy, and/or may have some structural flaws, and are generally of lower biodiversity value &/or lower landscape value	Trees that are scarcely worthy of retention should not constrain site development but may be retained if the proposed design and construction allows.
Not worthy of retention	<10 points	Trees in poor health and/or having a short or exceeded Useful Life Expectancy, and/or have significant structural flaws that cannot be practically mitigated or managed, &/or are of no or little biodiversity value &/or landscape value	Trees that are not worthy of retention should not constrain site development and should be removed in the case of site development, even if they do not constrain the development.

Table 7. Retention value. The 20 trees, indicating their tree number, scientific name, scores for Historical significance, Legal status/trunk circumference, Origin, Health, Further Useful Life Expectancy, Structure, Risk to safety, Biodiversity Value and Landscape Value, total score and retention value (using total scores). Trees are colour-coded according to their retention value, and to match the tree mapping in Figure 3.

Tree	Abbreviated scientific name	Scores for:									Total score	Retention value (using the total score for each tree)
		Historical significance, Legal status/trunk circ., Origin, Health, Further Useful Life Expectancy, Biodiversity value, Landscape value, Structure, Risk to safety.										
1	<i>Ulmus parvifolia</i>	0	5	0	8	8	0	3	5	7	36	Moderately worthy of retention
2	<i>Ulmus parvifolia</i>	0	0	0	8	8	0	5	5	7	33	Moderately worthy of retention
3	<i>Ulmus minor</i> 'Atinia'	0	5	0	5	0	2	5	0	4	21	Scarcely worthy of retention
4	<i>P. x hispanica</i> 'Acerifolia'	0	0	0	8	8	0	3	0	7	26	Scarcely worthy of retention
5	<i>Ulmus minor</i> 'Atinia'	0	5	0	3	-3	2	5	0	4	16	Scarcely worthy of retention
6	<i>Ulmus minor</i> 'Atinia'	0	5	0	5	-3	2	5	-5	4	13	Scarcely worthy of retention
7	<i>Ulmus minor</i> 'Atinia'	0	5	0	5	-3	2	5	-5	4	13	Scarcely worthy of retention
8	<i>Ulmus minor</i> 'Atinia'	0	5	0	5	-3	2	8	-5	4	16	Scarcely worthy of retention
9	<i>Ulmus minor</i> 'Atinia'	0	10	0	3	-3	2	8	-5	4	19	Scarcely worthy of retention
10	<i>Ulmus minor</i> 'Atinia'	0	5	0	0	-6	2	8	-5	4	8	Not worthy of retention
11	<i>Ulmus minor</i> 'Atinia'	0	5	0	3	-6	2	8	-10	-10	-8	Not worthy of retention
12	<i>Ulmus minor</i> 'Atinia'	0	5	0	5	-3	2	8	0	4	21	Scarcely worthy of retention
13	<i>Ulmus minor</i> 'Atinia'	0	5	0	3	-3	2	5	-5	4	11	Scarcely worthy of retention
14	<i>P. x hispanica</i> 'Acerifolia'	0	0	0	8	8	0	5	5	7	33	Moderately worthy of retention
15	<i>P. x hispanica</i> 'Acerifolia'	0	0	0	8	8	0	3	0	7	26	Scarcely worthy of retention
16	<i>P. x hispanica</i> 'Acerifolia'	0	0	0	8	8	0	3	0	7	26	Scarcely worthy of retention
17	<i>P. x hispanica</i> 'Acerifolia'	0	5	0	8	8	0	5	5	7	38	Moderately worthy of retention
18	<i>P. x hispanica</i> 'Acerifolia'	0	5	0	8	8	0	8	5	7	41	Moderately worthy of retention
19	<i>P. x hispanica</i> 'Acerifolia'	0	5	0	5	8	0	5	5	7	35	Moderately worthy of retention
20	<i>P. x hispanica</i> 'Acerifolia'	0	0	0	5	8	0	5	5	7	30	Moderately worthy of retention

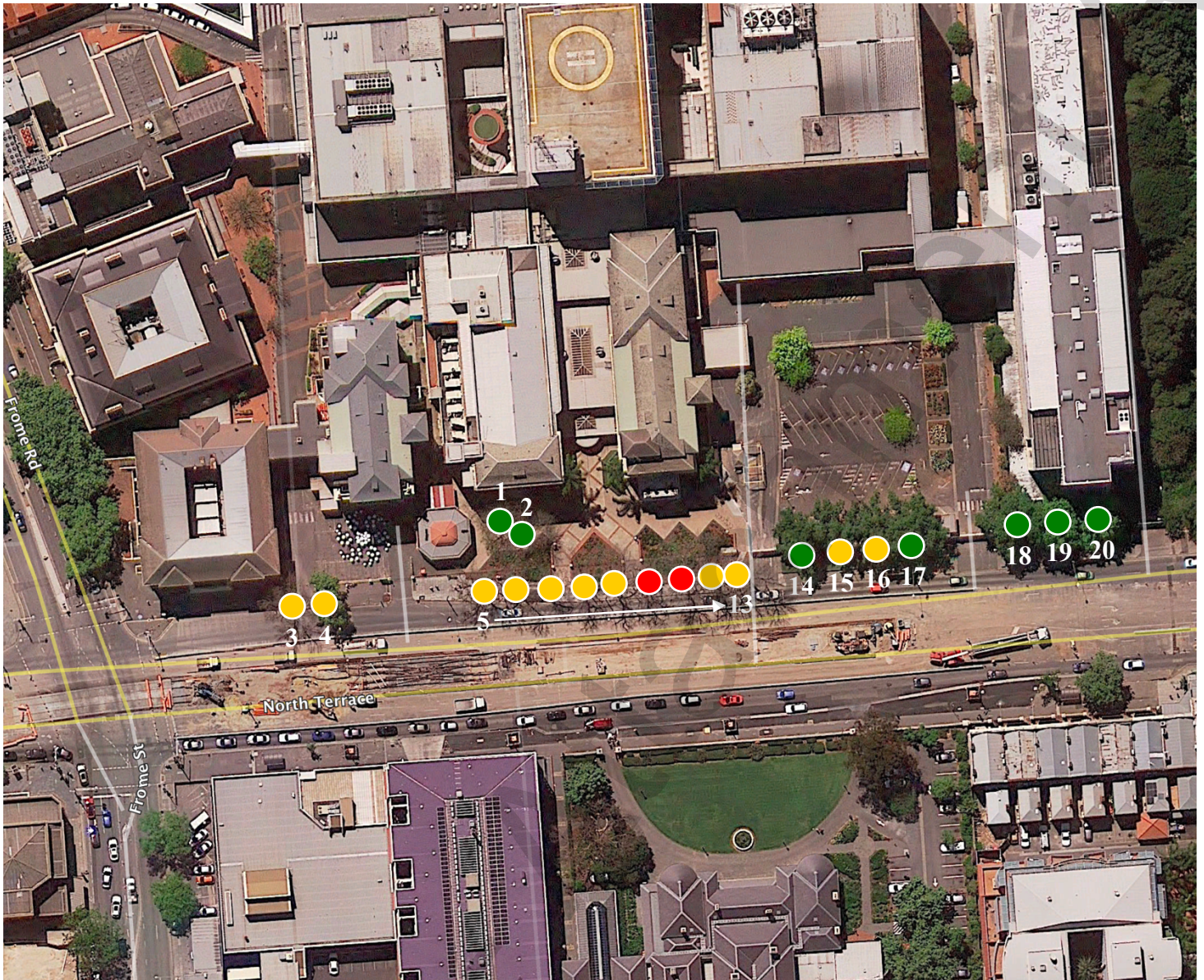


Figure 3. Retention value. The 20 trees, colour-coded according to their retention value.

- Purple* = Very highly worthy of retention;
- Blue* = Highly worthy of retention;
- Green* = Moderately worthy of retention;
- Yellow* = Scarcely worthy of retention;
- Red* = Not worthy of retention.

Table 8. Summary Table. The 20 trees, indicating their species, protection afforded under the Development Act 1993, protection afforded under the Native Vegetation Act 1991, and retention value. Trees are colour coded according to their retention value, and to match the tree mapping in Figure 3.

Tree	Species	Protected under Development Act (1993)	Protected under Native Vegetation Act (1991)	Retention value
1	<i>Ulmus parvifolia</i>	Regulated	No	Moderately worthy of retention
2	<i>Ulmus parvifolia</i>	No	No	Moderately worthy of retention
3	<i>Ulmus minor</i> 'Atinia'	Regulated	No	Scarcely worthy of retention
4	<i>P. x hispanica</i> 'Acerifolia'	No	No	Scarcely worthy of retention
5	<i>Ulmus minor</i> 'Atinia'	Regulated	No	Scarcely worthy of retention
6	<i>Ulmus minor</i> 'Atinia'	Regulated	No	Scarcely worthy of retention
7	<i>Ulmus minor</i> 'Atinia'	Regulated	No	Scarcely worthy of retention
8	<i>Ulmus minor</i> 'Atinia'	Regulated	No	Scarcely worthy of retention
9	<i>Ulmus minor</i> 'Atinia'	Significant	No	Scarcely worthy of retention
10	<i>Ulmus minor</i> 'Atinia'	Regulated	No	Not worthy of retention
11	<i>Ulmus minor</i> 'Atinia'	Regulated	No	Not worthy of retention
12	<i>Ulmus minor</i> 'Atinia'	Regulated	No	Scarcely worthy of retention
13	<i>Ulmus minor</i> 'Atinia'	Regulated	No	Scarcely worthy of retention
14	<i>P. x hispanica</i> 'Acerifolia'	No	No	Moderately worthy of retention
15	<i>P. x hispanica</i> 'Acerifolia'	No	No	Scarcely worthy of retention
16	<i>P. x hispanica</i> 'Acerifolia'	No	No	Scarcely worthy of retention
17	<i>P. x hispanica</i> 'Acerifolia'	No	No	Moderately worthy of retention
18	<i>P. x hispanica</i> 'Acerifolia'	No	No	Moderately worthy of retention
19	<i>P. x hispanica</i> 'Acerifolia'	No	No	Moderately worthy of retention
20	<i>P. x hispanica</i> 'Acerifolia'	No	No	Moderately worthy of retention

14.0 SUMMARY of FINDINGS and RECOMMENDATIONS

Table 8 summarises the legal status and retention value for each of the 20 trees included in this assessment. Figure 3 indicates the location and labelling of the 20 trees included in this assessment, with each tree colour-coded with regard to its retention value.

The quality of the 20 trees assessed on the site is generally low to moderate (see Table 8).

Very highly worthy of retention:	No trees
Highly worthy of retention:	No trees
Moderately worthy of retention:	7 trees (35% of all trees assessed)
Scarcely worthy of retention:	11 trees (55% of all trees assessed)
Not worthy of retention:	2 trees (10% of all trees assessed)

It is recommended that tree retention on the site be directed by the overall value of each tree, as indicated by each tree's retention value as assessed here. Figure 3 indicates the location and labelling of the 20 trees included in this assessment, with each tree colour-coded with regard to its retention value.

It should be noted that *Trees 14 to 20* have been planted in a raised, regularly-irrigated turf area, which is about 0.5 metres higher than the surrounding paved areas. Modifying the existing levels to be consistent with the surrounding paved areas would not be possible without the removal of these trees. It should also be noted that the further Useful Life Expectancy (ULE) of *Trees 14 to 20* is dependent on the continued irrigation of turf areas surrounding these trees. If the irrigation of the surrounding turf area ceases, the ULE for these trees would be reduced to <5 years.

I thank you for the opportunity to provide this arboricultural assessment and report. If you require further information or clarification please contact me for assistance.



Dean Nicolle
OAM, BAppSc Natural Resource Management, BSc Botany (Hons), Ph.D

LOT Fourteen

North Terrace Adelaide





Lot Fourteen will be a showcase for visitors and tourists:

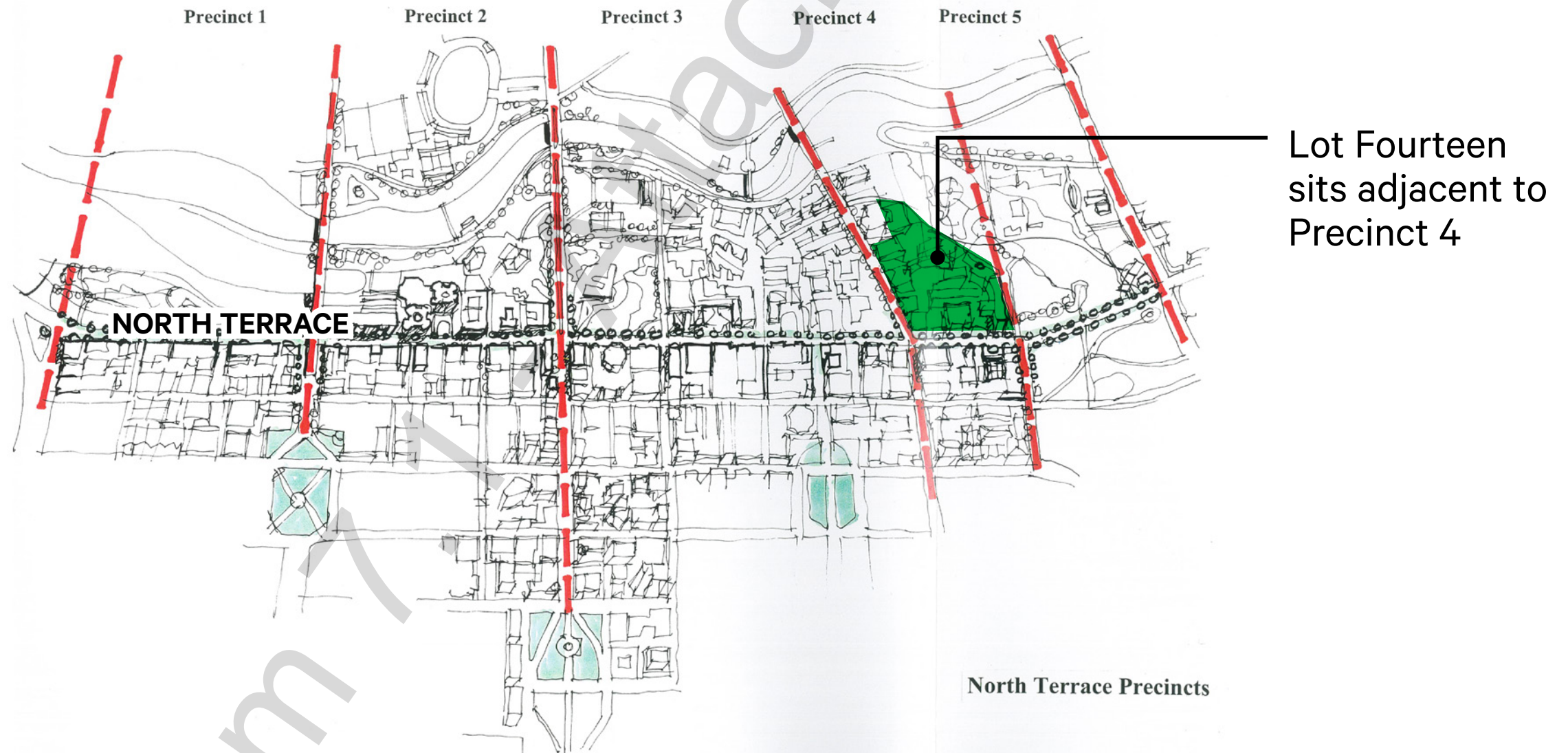
- 6000 site users daily.
- More than 300,000 visitors to the Aboriginal Art and Cultures Centre.
- 60,000 visitors to Mission Control and Space Discovery Centre.
- More than 1 million visitors to the Adelaide Botanic Garden.
- Once completed this will arguably be the most visited segment of North Terrace.

Transforming Lot Fourteen

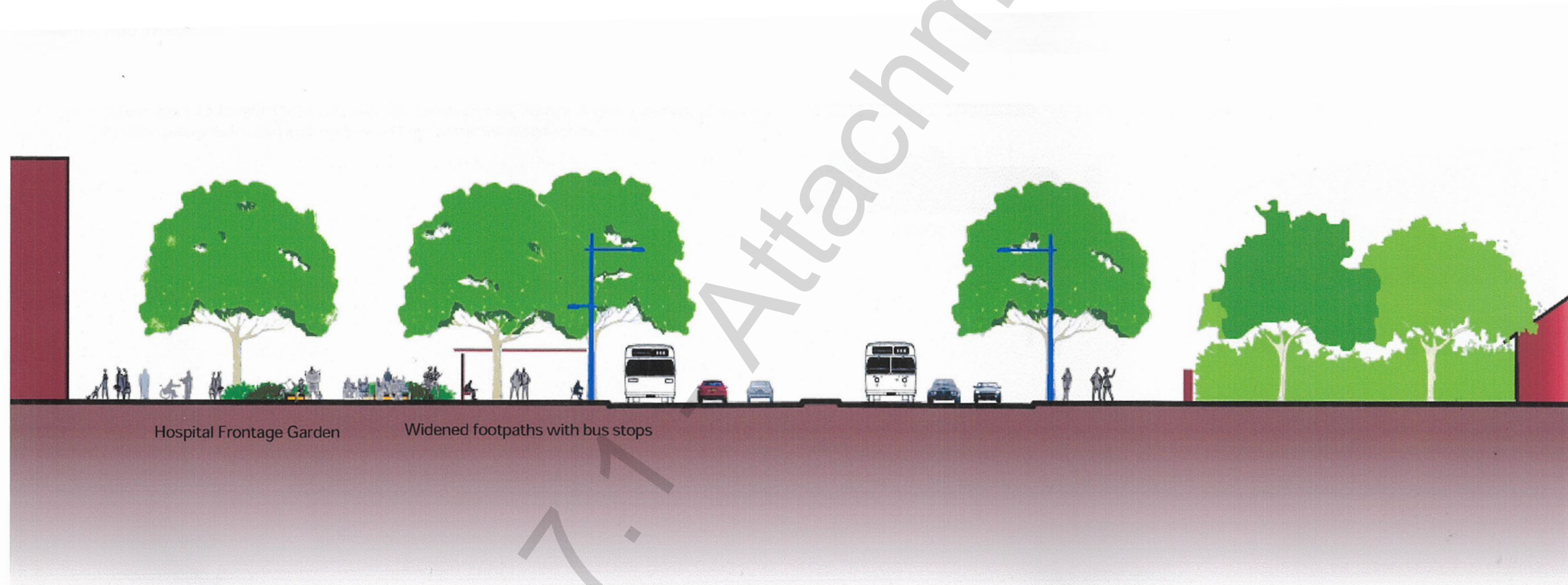


- Public realm consistent with North Terrace cultural boulevard.
- Capitalise on \$550 million investment redefining this end of the City.
- Completion of boulevard encourages visitors to other attractions including the Adelaide Botanic Gardens, universities, museum and galleries.
- Public realm transforms precinct from closed site to one that invites, is open and accessible.
- Part of broader Lot Fourteen public realm master plan with more than 50% open space.

“Adelaide’s premier street, a vibrant-place for the whole community, a destination rich in it’s offerings to locals and tourists alike - a great urban boulevard showcasing our State’s achievements to the world”



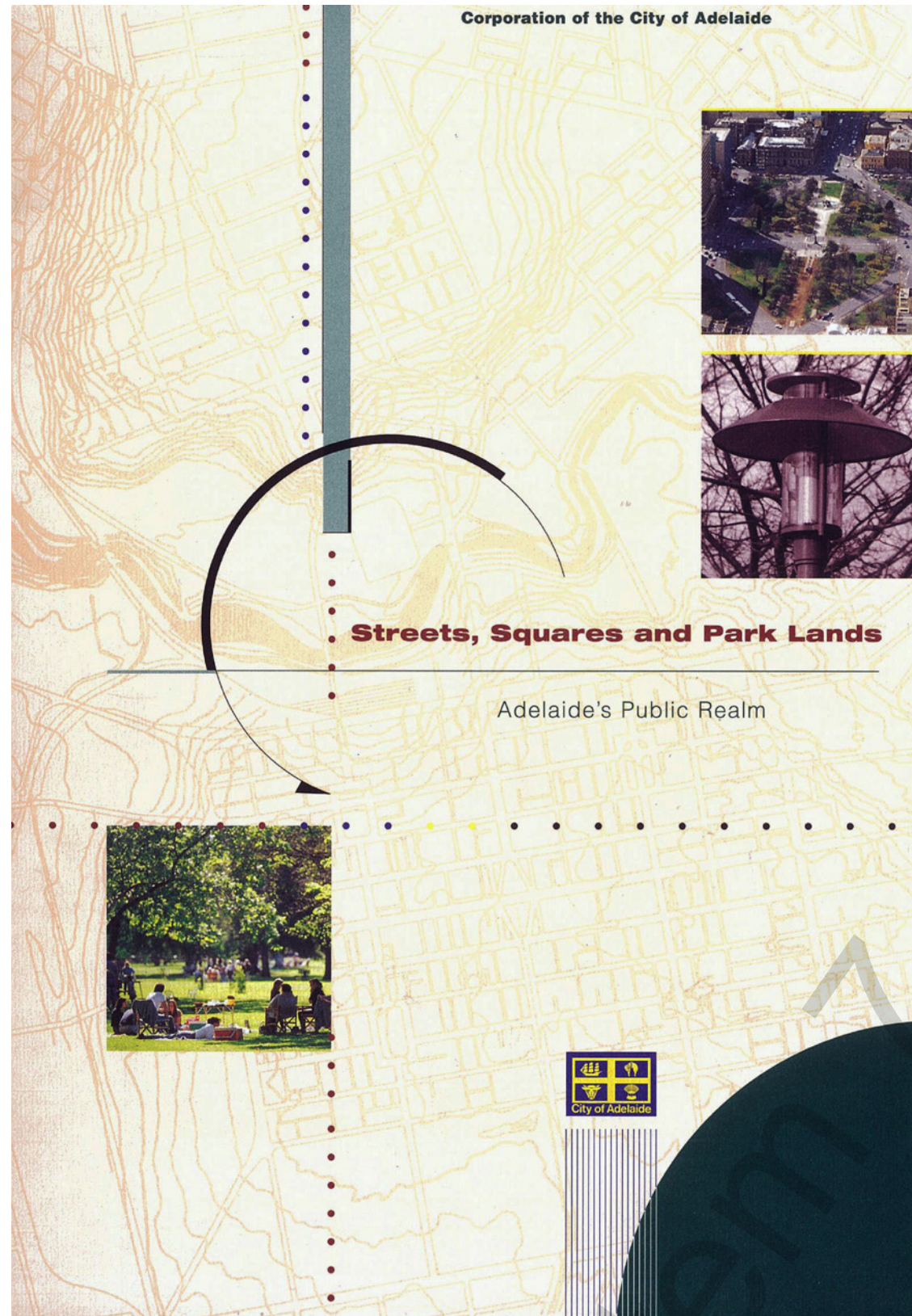
North Terrace 2001 Concept Design



Section - Frome Road - East Terrace

- Major changes since 2001:**
- New use for RAH site.
 - Tram in North Terrace.

Streets Squares and Parklands 1998



Adelaide Design Manual Current

02 Boulevards

Boulevards are defined by a grand scale, with many of these the 40m wide streets (part of Colonel Light's original plan) acting as key gateways to the city.

Ceremonial Boulevards

Representing the city's identity and civic pride, these streets are of the highest priority due to their provision of a range of transport options for street users, as well as their importance to the city's overall tourist functions.

Reinforce the street's civic importance
Ceremonial Boulevards provide an ideal setting for important civic, cultural and educational institutions by framing landmark buildings and creating grand outdoor civic spaces.

Ceremonial Boulevards should:

- o Use a formal structure and arrangement of street elements in response to institutional buildings and forecourts
- o Use trees, landscaping and furniture to provide a human scale and mediate the scale of buildings in the wider street environment
- o Respond to the immediate context of the area, including the built form
- o Use high-quality, robust materials, detailing and construction techniques to prolong and service a high intensity of use and maintenance, and to suit the civic nature of the street

Prioritise the pedestrian experience
Pedestrian activities are prioritised on Ceremonial Boulevards over vehicles, however flexibility is important to cater for events and street-based trading activities.

Ceremonial Boulevards should:

- o Use traffic calming measures to change driver expectations of the street environment
- o Emphasise the role and scale of these streets with high levels of uniform lighting to perform night-time wayfinding and provide a visual presence

- o Arrange furniture and greening elements to encourage social interaction and activities
- o Structure spaces and provide both zones for movement and different activities
- o Configure greening elements to allow high volumes of pedestrian movement and maintain sight lines, and provide connected shade

Facilitate a space for public ceremonies and events
Ceremonial Boulevards host a range of events, activities and symbolic experiences which are of cultural importance to the city, such as holiday parades and Anzac Day marches.

Ceremonial Boulevards should:

- o Provide a range of transport options including safe and continuous connections for walking
- o Provide a cohesive feel and reinforce the capital city character with a highly structured and professional arrangement of spaces and elements
- o Provide infrastructure for city promotion and amenity such as banner poles, wayfinding signage, WiFi and CCTV

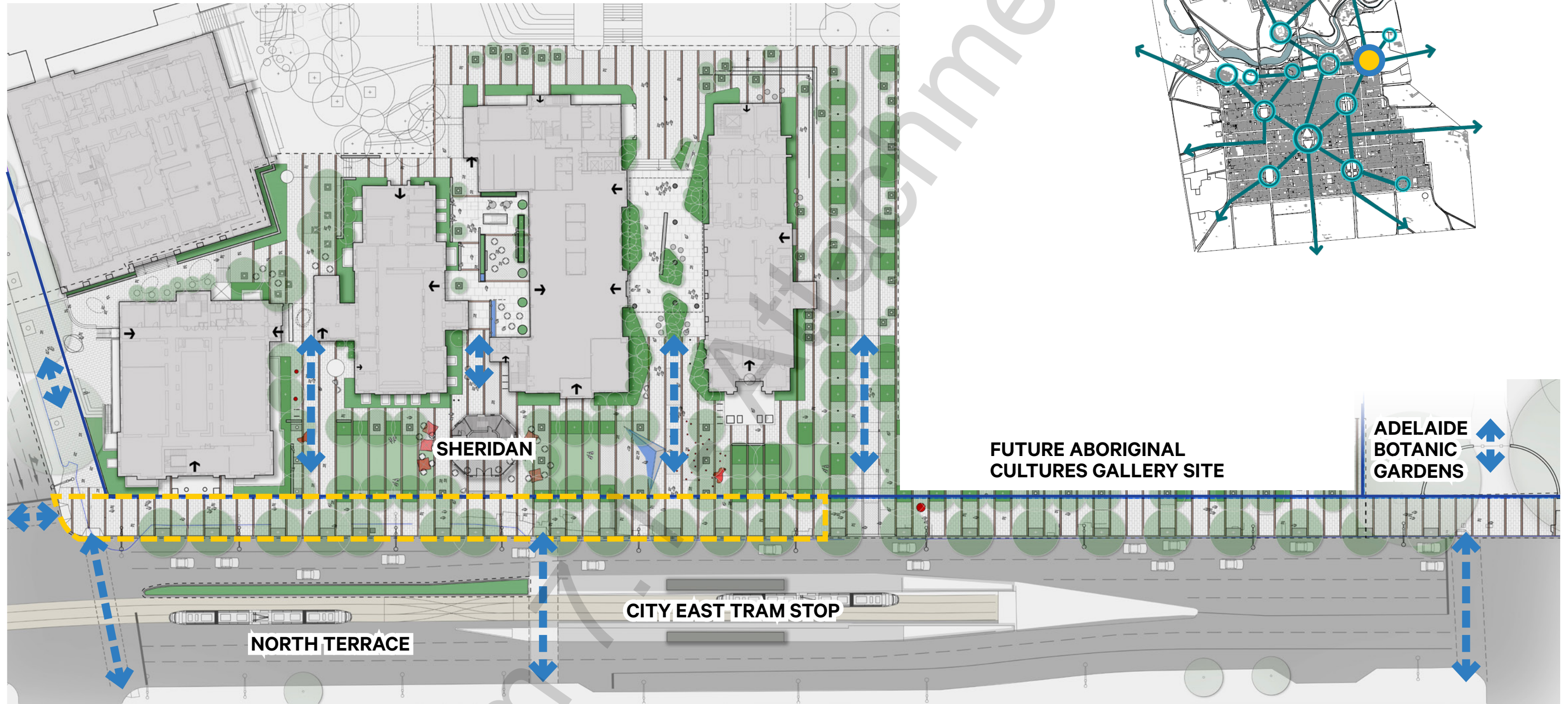
Ceremonial Boulevards such as North Terrace represent the city's identity and civic pride

Adelaide Design Manual - Street Types 34

Adelaide Design Manual - Street Types 35

- North Terrace: Ceremonial Boulevard.
- Prioritising pedestrian experience.
- A place for public ceremonies and events.

Integrate whole-of-precinct approach connecting Lot Fourteen to the CBD



Aerial view looking east



Alignment with Development Plan process

- City of Adelaide Development Plan - application lodged in February 2019 and included a statutory referral to the City of Adelaide.
- Application approved by SCAP in July with tree removal conditional on landlord consent.
- The Desired Character Statement and applicable development plan objectives explicitly state that an improvement in pedestrian amenity and pedestrian access will be a priority.
- The proposed public realm, including the tree removal, is fundamentally about improving pedestrian amenity and access.

Existing condition



- Existing pedestrian crossing encumbered by trees, furniture, planting beds and service cabinets.
- Footpath condition poor.
- Clutter and contested space.

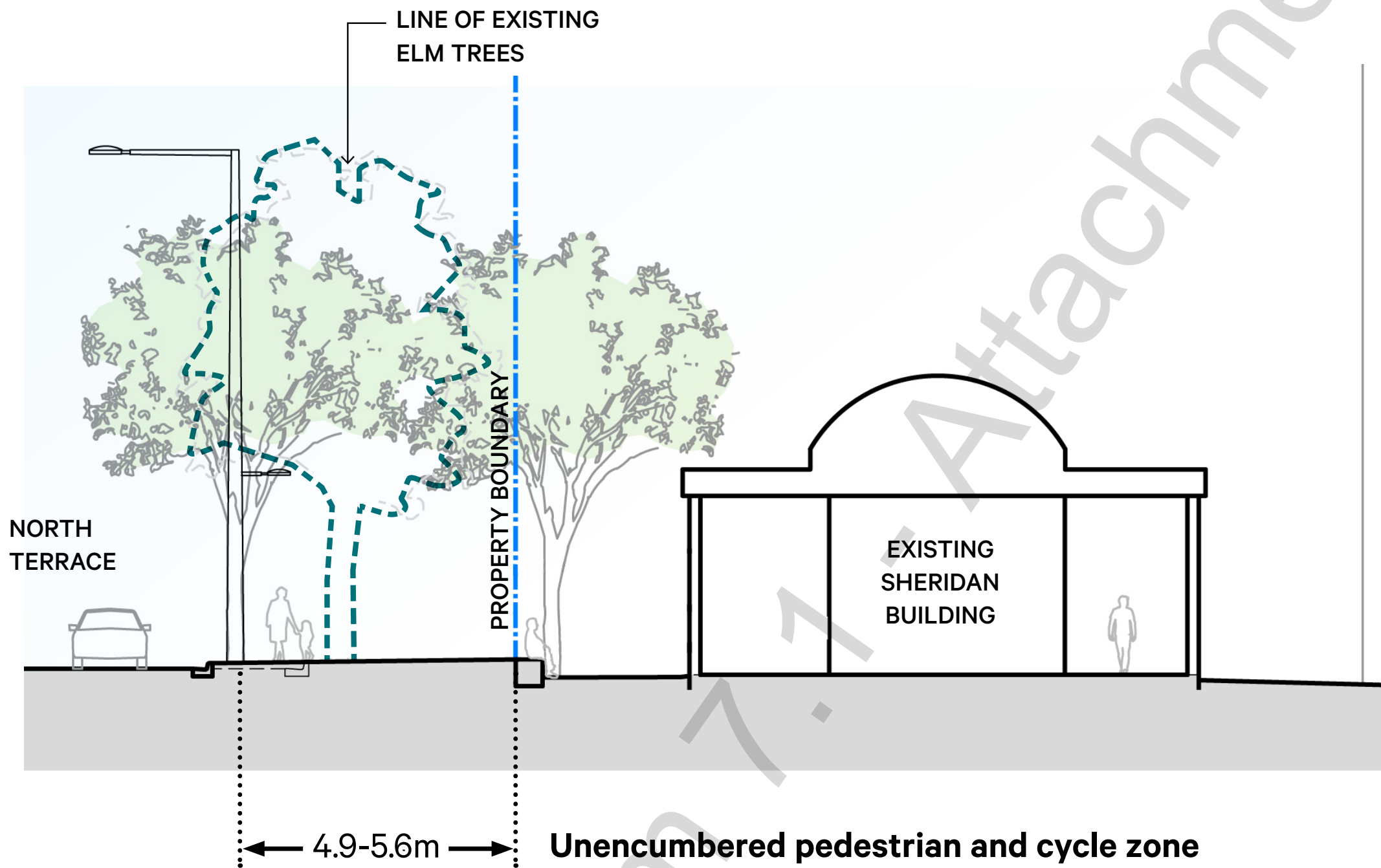
Improved pedestrian amenity



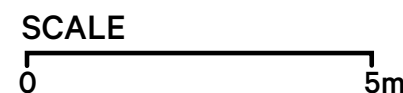
- North Terrace kerb at existing bus bay realigned.
- Bus stop remains in current location.
- Preferred arrangement supported by DPTI.
- 4 tram/street light poles relocated.



- Kerb reconstructed along existing alignment eastern section.
- Footpath width increased to 4.9-5.6m without obstructions (new street trees planted).



- Footpath widened to 4.9-5.6m.
- 9 mature elms and 1 semi mature plane tree removed.





- New granite paving on concrete slab.
- Extensive new semi-mature tree planting.
- New street furniture and lighting.

Summary

1. North Terrace master plan precinct 4 realised
2. Proposed works:
 - a. Kerb realignment at existing bus stop to increase footpath width to 4.9-5.6m clear for pedestrians and cyclist. DPTI has approved new arrangement of bus stop.
 - b. 4 tram and street light poles relocated.
 - c. Tram and other service cabinets relocated to unencumber footpath.
 - d. Location of new street furniture consolidated.
 - e. New granite paving on concrete slab to CoA standard.
 - f. 9 regulated and 1 significant tree removed.
 - g. 12 new street trees planted to CoA standard.
 - h. 29 other new trees planted within Lot Fourteen adjacent to footpath.

E-Scooter Trial Update

ITEM 7.2 17/09/2019
The Committee

2019/00296
Public

Program Contact:
Shanti Ditter, AD Planning,
Design & Development 8203
7756
Approving Officer:
Klinton Devenish, Director Place

EXECUTIVE SUMMARY

In March 2019, the City of Adelaide and the State Government agreed to continue the trial of electric scooters (e-scooters) in the City of Adelaide.

Following an expression of interest (EoI), the City of Adelaide issued two permits to Ride Scooters and Beam Scooters for the period of the trial, which ends on 13 October 2019.

Based upon analysis of data, the relatively low complaint levels, the magnitude and immediate take up of the service, it is proposed that e-scooters should continue as a transport option in the city.

This report summarises the findings of the current trial and recommends that Council extends the current trial for an additional period up to the 31 January 2020. The additional extension will enable Administration to develop an operating guideline based upon feedback and to prepare an EoI with a view to continue the use of e-scooters in the City of Adelaide.

RECOMMENDATION

THAT THE COMMITTEE RECOMMENDS TO COUNCIL

That Council:

1. Notes the findings from the extended E-scooter trial.
2. Approves continuing e-scooters in the City of Adelaide including:
 - 2.1. Extending the existing e-scooter trial for an additional three months, ending on 31 January 2020, for the two current operators, Ride Scooters and Beam Scooters.
 - 2.2. Requesting the Lord Mayor to write to the Minister for Transport to update the designated area in the schedule of the Road Traffic (Fringe E-Scooter Trial) Notice 2019 in the South Australian Government Gazette dated 14 February 2019 to include North Adelaide.
 - 2.3. Enables Administration to review the current permit conditions and feedback on the current trial to develop an operating guideline and prepare an EoI for e-scooters to continue operating after 31 January 2020.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	<p>Strategic Alignment – Liveable</p> <p>Work with neighbouring councils and the State Government to enhance the facilities, attractions, landscapes and movement networks in the Park Lands to meet the needs and expectations of growing high-density communities living in and near the City.</p> <p>Strategic Alignment – Creative</p> <p>Work with businesses and other partners to bring creativity and smart technology into the everyday experience of our City</p>
Policy	An appropriate policy position will be determined through analysis of the trial and is subject to Council's direction for the future of e-scooters in the City of Adelaide.
Consultation	We will continue to work closely with the State Government, SAPOL, and the Health and Emergency Services on analysing the results of the trial.
Resource	The e-scooter trial is being managed through existing resources.
Risk / Legal / Legislative	Not as a result of this report.
Opportunities	To build on the success of the e-scooter trial and amend the permit conditions to improve operations identified in the review of the trial.
19/20 Budget Allocation	Not as a result of this report.
Proposed 20/21 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report.
19/20 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg maintenance cost)	Not as a result of this report.
Other Funding Sources	Not as a result of this report.

DISCUSSION

1. At its meeting on 29 January 2019, Council approved a trial of shared electric scooters (e-scooters) in the City of Adelaide for the 2019 Adelaide Fringe and Festival season.
2. On Thursday 14 February 2019, the South Australian Government released a Gazette Notice which provided amendments to the South Australian Regulations to permit the use of e-scooters on public roads to enable the trial. The Gazette Notice included rules, regulations and the geographical area within which the e-scooter trial could operate.
3. During this trial, a select Expression of Interest (Eoi) process to extend the e-scooter trial was undertaken which would allow Council to continue the e-scooter trial if an extension was endorsed.
4. At its meeting on 12 March 2019, Council approved an extension of its e-scooter trial to operate from the 15 April 2019 through to the 13 October 2019.
5. At its meeting on 13 August 2019, Council endorsed an extension of the e-scooter trial boundary to include North Adelaide. Council requested the Lord Mayor write to the Minister for Transport and Infrastructure to seek an amendment to the previous Government Gazettal.
6. Based on the outcomes of Eoi process, two operators, Ride Scooters and Beam Scooters, were approved to operate within the City of Adelaide during this period. Under the e-scooter permit conditions, a maximum of 500 e-scooters per operator were allowed to operate within the approved CBD boundary. Approximately 730 e-scooters are in operation daily.

Findings and outcomes of the e-scooter trial

Operation and statistics between 15 April 2019 – 1 September 2019 (139 days total)

7. Approximately 141,000 trips were undertaken by 33,000 unique users during this period.
8. Within the defined trial precinct area, the average distance travelled per ride was between 1.7km and 2.2km, and the average time per ride was approximately 10 minutes.

Community feedback

9. The City of Adelaide and State Government both provide dedicated webpages with consistent information about e-scooter operations, the regulations and the trial permit conditions to inform the general public.
10. In order to ensure that any feedback from the community on the e-scooter trial is captured and responded to, the City of Adelaide provided a dedicated e-scooter inquiry email address and responded to questions and issues raised on social media. Between 15 April and 15 August, a total of 44 inquiries to the email address have been received, and 14 social media posts were responded to.
11. Given the utilisation of 141,000 trips, the number of complaints is very low. The majority of the feedback relates to the rules for e-scooter parked inappropriately, and nuisance complaints from the littering of helmets and e-scooter alarms when scooters are attempted to be moved without being activated first. Council's Access and Inclusion Advisory Panel has raised the issue of e-scooters being left in the path of travel.

12. A summary of themes of the feedback is listed in the table below.

Theme of Feedback	Email mentions	Social media mentions
Scooters parked inappropriately	9	1
General inquiry on e-scooters and Councils e-scooter trial	8	1
Nuisance complaint (noise complaints from e-scooter alarms caused by scooters and littering)	7	4
Inquiry regarding change of e-scooter operator	5	4
General rider behaviour	4	1
Request for information/legalisation of private e-scooters	4	0
Email from new e-scooter operators wanting to enter Adelaide market	3	0
Scooters being dumped outside of geofenced area	2	1
Complaint regarding availability of scooters	1	2

Incidents

13. A total of 6 incidents have been reported directly to the City of Adelaide. The recorded incidents rely on people involved self-reporting to Council or to the operators. The reported incidents are as follows:

- One collision between a moving vehicle and e-scooter rider resulting in a serious injury with hospital admission.
- One incident of a rider falling off the e-scooter rider resulting in emergency dental treatment – it is understood that the person was riding under the influence of alcohol.
- Two incidents of e-scooter riders colliding with a pedestrian resulting in minor injuries.
- One reported near miss between an e-scooter rider on a footpath and a pedestrian.
- One incident of a pedestrian tripping over a parked e-scooter.

North Adelaide Expansion

14. Expanding the operating area to include North Adelaide is possible with e-scooters able to navigate the steeper gradients. E-scooters electric motor will not enable riders to go beyond 15km/h however, momentum will enable riders to go faster than 15km/h in certain situations. Downhill speeds of e-scooter riders may be faster than the permitted speed due to riding conditions and the physical characteristics of riders.

Recommended next steps for continuation of e-scooter operation

15. Extend the existing trial for an additional three months, ending the 31 January 2020, for the two current operators, Ride Scooters and Beam Scooters.
16. Include North Adelaide within the operating area for the extended trial period.
17. During this period, Administration will develop an e-scooter operating guideline and prepare an EoI for e-scooter operation to continue after the extended trial (post 31 January 2020).

ATTACHMENTS

Nil

- END OF REPORT -

Men's Shed Project

ITEM 7.3 17/09/2019

The Committee

Program Contact:

Amy Pokoney, Acting AD
Community & Culture 8203 7438

Approving Officer:

Clare Mockler, Deputy CEO &
Director Culture

2017/01664

Public

EXECUTIVE SUMMARY

On 30 July 2019, Council requested that administration engage community service providers, not-for-profit organisations and other entities to establish a Men's Shed in the City of Adelaide; investigate Federal Government funding and other partnership opportunities to assist in funding a Men's Shed and provide a report on potential options, locations and funding opportunities. This report provides context for a Men's Shed project, a summary of initial opportunities and project delivery options.

RECOMMENDATION

THAT THE COMMITTEE RECOMMENDS TO COUNCIL

That Council:

1. Notes that the Australian Federal Government's National Male Health Strategy 2020- 2030 recognises the usefulness of Men's Sheds to improving men's health outcomes.
2. Notes initial investigations undertaken to identify Federal Government funding and other partnership opportunities to assist funding a Men's Shed.
3. Approves Option 2 as the preferred delivery model and authorises the CEO to undertake
 - 3.1. a competitive expression of interest process to identify an entity with capacity and interest to deliver a Men's Shed project on the identified site
 - 3.2. selection of the entity best equipped to deliver the project based on Expressions of Interest in response to an agreed Project Brief
 - 3.3. contractual negotiations that detail both parties' level of initial and ongoing investment
 - 3.4. enter into a contract with the entity that best meets the project brief and demonstrates ability to deliver on Council's intent, within CEO financial delegation.
4. Notes that Council will be advised of any budget reconsiderations required as a result of contract negotiations.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment – Liveable Develop and celebrate strong and resilient communities that are welcoming and encourage people of all ages, cultures and means to participate in City life, including through volunteer opportunities.
Policy	Not as a result of this report.
Consultation	Flyers have been circulated to City of Adelaide Community and Library Centres and shared on City of Adelaide social media inviting anyone with an interest in an Adelaide Men's Shed to contact staff at that site or via a central email account.
Resource	Initial project feasibility work including ascertaining community interest, exploring potential partnerships and funding opportunities and identifying potential project sites is being undertaken within existing resources. Future phases of this project will require additional resourcing the nature of which will depend on the role that Council plays in the project. That is, a Council operated Men's Shed will require a staff resource such as a project officer to support development of the project in its initial phases. A Men's Shed operated by another entity would be expected to resource the project as contractually agreed with the City of Adelaide.
Risk / Legal / Legislative	The operation of a Men's Shed will need to be properly risk assessed and risk mitigation strategies will have to be developed. A Men's Shed operated by another entity would be expected to bear any risk associated with the activity. There is a risk that after investment in project establishment there is insufficient interest to warrant continuation of the project. There is a risk that a project is established with strong interest but that the project is not financially or socially sustainable after the initiation phases and Council is required to continue its financial support for longer than intended.
Opportunities	Men's wellbeing is a concern for communities. The 2016 Australian Census notes that suicide rates of men are four times the rate of women; five men a day, on average. An Adelaide Men's Shed would provide opportunities for men to gather informally, in a space and way that supports them to connect and be purposeful.
19/20 Budget Allocation	Not as a result of this report.
Proposed 20/21 Budget Allocation	Option 1 – Council- led delivery model. Indicative costs only in 20/21 (and out years). Total: \$62,152 Project Officer 0.4fte \$40,762 including on- costs Project Costs \$21,390 Option 2 – EOI Process for third party delivery Total: Subject to contract negotiation. It is expected that following an EOI process, the successful applicant/s would resource the project as contractually agreed with the City of Adelaide. It is likely that there will be some costs to Council associated with this delivery model.
Life of Project, Service, Initiative or (Expectancy of) Asset	Five years, in the first instance

19/20 Budget Reconsideration	<p>Option 1 Total: \$83,338 Project Officer 0.6fte \$61,143 including on- costs Project Costs \$22,195 Design In Kind costs unknown Construction costs unknown dependant on design</p> <p>Option 2 Total: Subject to contract negotiation. It is expected that following an EOI process, the successful applicant/s would resource the project as contractually agreed with the City of Adelaide. It is likely that there will be some costs to Council associated with this delivery model.</p>
Ongoing Costs (e.g. maintenance cost)	To be determined depending on project delivery model and nature of project.
Other Funding Sources	Council or another entity may be eligible for funding through the Australian Government Department of Health Shed Development Program (the NSDP).

DISCUSSION

1. Men's wellbeing is a concern for Australian communities.
 - 1.1. The 2016 Australian Census notes that suicide rates of men are four times the rate of women; five men a day, on average.
 - 1.2. The Australian Federal Government's National Male Health Strategy 2020- 2030 recognises the usefulness of Men's Sheds to improving the health outcomes of men and boys.
 - 1.3. An Adelaide Men's Shed would provide opportunities for men to gather informally in the City, in a space and way that supports them to connect and be purposeful.
2. Initial project feasibility work has commenced including testing for community interest.
 - 2.1. Since Friday 9 August 2019, community interest has been tested by inviting Expressions of Interest in participation in an Adelaide Men's Shed project. Flyers at City of Adelaide Library and Community Centres invite interested individuals to speak to a staff member on site or email their interest to an account created for this project. Information on the City of Adelaide website has also invited involvement in a Men's Shed in the City.
 - 2.2. To date, no expressions of interest have been received from community members through either engagement method.
 - 2.3. Additional engagement strategies will be utilised to reach out to community members if Council decides to develop this project further as a result of this report. These strategies could include but are not limited to further meetings with agencies working with men in the City and targeted conversations with individuals attending other activities on the site identified as the most appropriate for an Adelaide Men's Shed project.
3. An investigation has also begun into Federal Government funding and other partnership opportunities to assist in funding a Men's Shed project.
 - 3.1. A [National Men's Shed Grant](#) is managed for the Australian Government Department of Health Shed Development Program (the NSDP) by the Australian Men's Sheds Association (AMSA).
 - 3.1.1. Under the NSDP, the Australian Government will allocate \$1,000,000 (GST excl.) in the 2019/20 financial year. There are two funding rounds with the first already complete.

- 3.1.2. There are three categories within NSDP funding: Health and Wellbeing (maximum grant value \$8,000), Shed Improvements (Maximum grant value \$8,000) and Equipment (maximum grant value \$5,000).
- 3.1.3. There are several specific exclusions from NSDP funding including the building of a new shed/ facility, the purchase of land and *ongoing* funding for shed projects.
- 3.1.4. Further exploration of this and other funding sources will be undertaken pending Council's direction in response to this report.
- 3.2. Staff have informally met with four entities, including:
 - 3.2.1. Employment Options, an organisation that has recently opened a wood working space at 40 Sturt Street
 - 3.2.2. Makerspace Adelaide, a collective of 'making' groups co- located at 100 Franklin Street Adelaide
 - 3.2.3. Housing Choices, a Community Housing Provider with sites on Franklin Street, Light Square/ Wauwi and Mellor Street Adelaide
 - 3.2.4. The Bicycle Repair Workshop located at The Joinery at Franklin Street Adelaide

This general interest will require further exploration to determine opportunities for partnership.
- 4. Whilst there are other organisations undertaking activities like that of Men's Sheds in the City and North Adelaide, there are currently no formally identified Men's Sheds in the City of Adelaide area. The closest Men's Shed locations for city and North Adelaide residents are:
 - 4.1. Rosefield Community Shed, Farm Yard Nursery, Adelaide Showground, an initiative of the Rosefield Uniting Church with support from the Royal Agriculture and Horticulture Society and the City of Unley
 - 4.2. The Shed – Clarence Park Community Centre, East Avenue, Black Forest operated by the City of Unley
 - 4.3. Prospect Men's Shed, DerLanger Ave, Nailsworth operated by the City of Prospect
- 5. For a City of Adelaide Men's Shed potential locations have been explored including existing Council owned buildings, the London Road Depot, the Makerspace site at 100 Franklin Street and the site currently leased to the Conservation Council in Franklin Street. Each have been discounted as unsuitable apart from the latter site.
 - 5.1. A small area adjacent existing activity at the site currently leased by the Conservation Council and subleased by The Joinery and its lessees on Franklin Street is the preferred location for an Adelaide Men's Shed.
 - 5.2. The City of Adelaide has recently extended the lease of the Conservation Council to this site, including a slight increase to the leased footprint on the Southern boundary, allowing space for development of a Men's Shed project should Council wish to proceed. The new lease extends tenure for the Conservation Council until 30 September 2024.
 - 5.3. Existing community activities at this site include but are not limited to a community garden, bee keeping, a bicycle repair workshop, a sustainable café and offices.
 - 5.4. The location is in the centre of the CBD with access via bus, tram, bicycle, walking and by car (there are nearby commercial car parks but no car parking on site).
- 6. Two project delivery options are noted here:
 - 6.1. Option One – Council – Led Delivery
 - 6.1.1. Council allocates budget to establish an Adelaide Men's Shed on the identified site. Project costs would include but not be limited to salary and on costs of a Project Coordinator, property costs (e.g. building a Men's Shed structure, fit-out, utility connections), insurance, marketing, volunteer training and equipment (initial purchase of tools and safety equipment)
 - 6.1.2. The Project Coordinator would work with stakeholders to develop and establish the project with the intention to minimise Council's investment in out- years and increase the social and economic sustainability of the project over time.
 - 6.2. Option Two – EOI Process for Third Party Delivery
 - 6.2.1. A competitive expression of interest process is undertaken to identify an entity with capacity and interest to deliver a Men's Shed project on the identified site.
 - 6.2.2. Council selects the entity best equipped to deliver the project based on Expressions of Interest in response to an agreed Project Brief.

6.2.3. Contractual negotiations would detail both parties' level of initial and ongoing investment, noting that some investment may still be required of Council.

6.3. Table 1. Summary of Adelaide Men's Shed Project Delivery Options

	Option 1	Option 2
Location	Conservation Council Franklin Street	Conservation Council Franklin Street
19/20 Budget (indicative)	\$83,338	Unknown (competitive EOI)
20/21 Budget (indicative; & out years)	\$62,152	Unknown (competitive EOI)
Project Life Expectancy	5 years, in the first instance	5 years, in the first instance
Delivery Method	Council staff delivering according to Project Brief	External entity delivering according to Project Brief

7. Option 1 allows for ongoing partnership and funding opportunities to be explored, whilst allowing Council to oversee and manage the delivery of the Men's Shed. It is envisaged that there be flexibility provisions integrated into this delivery model that include the ability to work with third parties and the community for the delivery of parts of the project, as appropriate.
8. Option 2 allows Council to fully explore a range of delivery options, partnership opportunities, innovative funding models and to test the idea in the marketplace, whilst still delivering significant value to the community. This option will provide a third party the opportunity to develop the concept and deliver on Council's intent.

ATTACHMENTS

Nil

- END OF REPORT -

City of Adelaide Submission - *Local Nuisance and Litter Control Act 2016* Minor Review

ITEM 7.4 17/09/2019
The Committee

Program Contact:
Vanessa Godden, AD Customer
& People 8203 7156

2018/00133
Public

Approving Officer:
Clare Mockler, Deputy CEO &
Director Culture

EXECUTIVE SUMMARY

The *Local Nuisance and Litter Control Act 2016* (the Act) came into full effect on 1 July 2017. The two-year mark has been used as a trigger for the South Australian Environment Protection Authority (the EPA) to undertake a minor review of the Act and its effectiveness in dealing with local nuisance and litter. As such, the EPA is inviting submissions from councils on this minor review.

The purpose of this report is to provide background information, update Council on the current review, and to seek Council approval of the attached submission from the City of Adelaide to the EPA.

RECOMMENDATION

THAT THE COMMITTEE RECOMMENDS TO COUNCIL

That Council:

1. Notes the EPA Review of the *Local Nuisance and Litter Control Act 2016* Discussion Paper as included in Attachment A to Item 7.4 on the Agenda for the meeting of The Committee held on 17 September 2019.
 2. Endorses the City of Adelaide Submission to the EPA as included in Attachment B to Item 7.4 on the Agenda for the meeting of The Committee held on 17 September 2019.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment – Liveable Deliver Council’s core services efficiently and with brilliant customer service for a growing and increasingly diverse and multicultural community
Policy	Not as a result of this report.
Consultation	Not as a result of this report.
Resource	Not as a result of this report.
Risk / Legal / Legislative	<i>Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017</i>
Opportunities	The submission provides a formal opportunity for Council to communicate its position on the gaps, challenges, and opportunities for improvement associated with the <i>Local Nuisance and Litter Control Act 2016</i> to the State Government and to influence the outcome of the current review of the Act.
19/20 Budget Allocation	Not as a result of this report.
Proposed 20/21 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report.
19/20 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg maintenance cost)	Not as a result of this report.
Other Funding Sources	Not as a result of this report.

DISCUSSION

1. The *Local Nuisance and Litter Control Act 2016* (the Act) provides the legislative framework for councils to manage local nuisance and litter matters within their area. The Act is relatively new and came into effect in two phases; litter provisions in February 2017, and local nuisance provisions in July 2017.
 2. The commencement of the Act saw a significant broadening of definitions and powers relating to littering and shifted responsibility for management of local nuisance matters from the Environment Protection Authority (EPA) to councils.
 3. Throughout the transition and implementation phase of the Act the EPA have provided some support to the City of Adelaide through telephone, written, and in person advice, some acoustic monitoring of noise matters, and by providing training sessions for Officers authorised under the Act when it first commenced.
 4. Further, for approximately 18 months following the implementation of the Act, the EPA also supported a 'dob in litterer' mobile app which provided a platform for community members to report instances of litter associated with a vehicle for investigation and enforcement by the EPA. These reports were investigated and enforced by the EPA rather than councils, however in September 2018 the app was disabled, and all littering reports are now dealt with by councils.
 5. Over the two years since the implementation of the Act, CoA has investigated 427 reports of local nuisance and 74 reports of litter (not including illegal dumping associated with hard rubbish collections). Three expiation notices have been issued and one direct prosecution initiated. Enforcement rates have been low, and this can be attributed to two factors. Firstly, the CoA always seeks a negotiated outcome in the first instance and has been successful in achieving this in most cases. Secondly, there have been a number of sections of the LNLC Act which have proven extremely challenging for the CoA to administer. Those challenges have been previously shared with the EPA and are addressed in the submission.
 6. As the Act has been in effect for approximately two years, the EPA has determined to undertake a minor review of the operation of the Act.
 7. The EPA are seeking feedback from councils, community, and other stakeholders to inform the review.
 8. The review will seek to address the functionality of the legislation and its effectiveness in providing for councils to address local nuisance matters and littering.
 9. On 25 July the EPA held an informal briefing session with key staff from various councils and representatives from South Australian Police and Consumer and Business Services.
 10. The submission (**Attachment B**) has been prepared using information from that briefing session and experience from CoA staff who regularly interact with the Act. It covers the areas of feedback sought by the EPA as well as additional areas not yet discussed for the EPA's consideration.
 11. Submissions are due to the EPA by 4 October 2019.
 12. Following the consultation period, a report will be submitted from the EPA to the Minister for Environment and Water, Hon David Speirs MP. for his consideration.
 13. We have also provided similar feedback on the Act via Council's submission to the Minister in April 2019 regarding the State Government's Local Government Reform process. Amendments to the LNLC Act are not within scope of the Local Government reforms being pursued at this stage, however the matter is being addressed separately through the EPA's review.
 14. On 30 July 2019, in response to a Motion on Notice, Council resolved the following:
 - 14.1 Request Administration prepare a report outlining guidelines around what would constitute a neglected and/or derelict property; and
 - 14.2 Request the Lord Mayor write to the relevant Minister seeking greater power for councils to compel landowners to clean up neglected and derelict properties.
 15. A report will be brought to Council at a later date to respond to this request in full, however, this submission does provide a suggestion in section 16 Other Improvements which is that it would be helpful for a further offence expiation fee to be included in Part 5 clause 30(2)(9) of the Act. A further offence expiation fee may assist councils to better deal with instances of continued and unresolved nuisance caused by unsightly premises.
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ATTACHMENTS

Attachment A – EPA Review of the Local Nuisance and Litter Control act 2016 Discussion Paper

Attachment B – City of Adelaide Submission to the EPA

- END OF REPORT -

Review of the *Local Nuisance and Litter Control Act 2016* discussion paper

Issued July 2019

EPA 1115/19: This discussion paper outlines issues being considered in a review of the Local Nuisance and Litter Control Act 2016.

1 Introduction

The *Local Nuisance and Litter Control Act 2016* (LNLC Act) passed Parliament on 18 May 2016 and the Governor in Executive Council gave assent on 26 May 2016. The Act commenced in two parts. The Regulations and all elements of the LNLC Act except for those specific to local nuisance offences commenced on 1 February 2017. The local nuisance offences commenced on 1 July 2017.

The LNLC Act provides the community with a more effective and consistent local service for the management of nuisance complaints and heightened deterrence for littering and illegal dumping.

The LNLC Act provides a modern legislative scheme for litter control in South Australia including tiered offences depending on the type of litter (small versus large quantities, dangerous and hazardous litter); improvements in the use of surveillance for evidence gathering in the case of illegal dumping (linking an offence to the registered owner of a vehicle); allowing non-government organisations to undertake compliance activities (subject to approval); and for public reporting of littering and illegal dumping.

The first anniversary of the full commencement of the LNLC Act was 1 July 2018. This milestone provides a useful prompt to undertake a minor review of the operation of the LNLC Act. Feedback from councils, the community, and other stakeholders indicate that there is potential to fine-tune elements of the legislation. This minor review will consider the functionality of the legislation and the effectiveness of the legislation within the context of whether the scope of the legislation is appropriately addressing nuisance complaints, littering and illegal dumping issues in the community.

This paper discusses issues that have been identified as requiring review. In addition to comment on the issues presented in this paper, the Environment Protection Authority (EPA) welcomes any further feedback from stakeholders on the legislation. All issues raised during consultation will be considered by the EPA and responded to through a report on the consultation. Following the consultation period a report will be submitted to the Minister for Environment and Water, Hon David Speirs MP for his consideration. The EPA will assist the Government with any amendments that they seek to progress.

Comments on the review are due by **Friday, 4 October 2019**.

Comments may be forwarded by mail or email to:

Review of the Local Nuisance and Litter Control Act 2016
 Environment Protection Authority
 GPO Box 2607
 ADELAIDE SA 5001
 Email: epainfo@sa.gov.au (mark subject as Review of Local Nuisance and Litter Control Act)

Emailed submissions are preferred.

All submissions received by the EPA during the consultation period will be acknowledged and treated as public documents unless provided in confidence, subject to the requirements of the *Freedom of Information Act 1991*, and may be quoted in reports.

2 Implementation of the Local Nuisance and Litter Control Act 2016

As part of consultation with the Local Government Association (LGA) during development of the LNLC Act, the EPA agreed to provide a range of support services designed to assist local government with the transition to managing local nuisance issues. A service level agreement (SLA) was entered into for the provision of support services for environmental nuisance matters.

Under the terms of the SLA the EPA, since commencement of the LNLC Act, has provided:

- one staff member to manage and coordinate implementation of the LNLC Act in close consultation with the LGA and individual councils
- access to operational staff to directly assist councils in the areas of operational administration, application of compliance standards and dealing with difficult issues
- equipment to assist councils to respond to nuisance issues
- training to council staff
- a suite of fact sheets, guidelines and standard operating procedures for use by councils;

The EPA has attended all regions of the state and provided training to 330 council staff in relation to local nuisance, in addition to 220 council staff trained in litter provisions of the LNLC Act.

Councils continue to be in regular contact with the EPA. The types of issues addressed have ranged from basic training and information around roles and responsibilities and introduction of the LNLC Act, through to more complex issues including field-based assistance and training in use of noise meters.

3 Local nuisance discussion points

The local nuisance provisions of the LNLC Act allow councils to manage various nuisance issues in their community. Nuisances covered by the legislation include environmental nuisances (eg smoke and noise), insanitary conditions and more general amenity nuisances (eg unsightly premises). These nuisances were previously addressed using the *Environment Protection Act 1993* (EP Act), *Local Government Act 1999* or the *South Australian Public Health Act 2011*. Since the commencement of the local nuisance elements of the LNLC Act on 1 July 2017 there have been various minor issues raised with the EPA. These issues are outlined in the sections below and comment is invited as to whether change is required, and if so, what changes would be most suitable.

3.1 What is and is not local nuisance?

The LNLC Act describes the meaning of local nuisance in section 17 with the ability to further refine the definition of what is and is not local nuisance through Schedule 1 of the LNLC Act. The definition was refined following consultation feedback from councils on the draft Bill which had light and heat within the meaning of local nuisance. These were removed to ensure the starting point for regulation of nuisance was manageable by councils and not too broad. Further

consideration of the addition of light and heat at a later date once the Act had been implemented was noted in the consultation report for the draft Bill. As an alternative the Act provides the ability to prescribe specific types of nuisance that might include light or heat in the regulations with the agreement of local government to do so. An example of this is 'vibration', prescribed in Part 2 of Schedule 1.

A number of determinations as to what is not local nuisance are also included in Part 3 of Schedule 1 of the LNLC Act. These listings fall within three categories. The first category of listings is where the issue of nuisance is adequately managed under alternative legislation. This is where an activity is approved under other legislation, the approval or conditions of the approval adequately minimise or prevent nuisance impacts, and those conditions are complied with.

An example of this is a development authorisation with conditions of approval related to time of operation that effectively limits noise to reasonable business hours [covered by Clause 5(d)]. In this circumstance the noise from the day time operation would need to be considered reasonable for the approved activity. This ensures that the development system takes precedence in determining the appropriateness of a land use for a certain location. By comparison, if an approved development had no relevant noise controls in place through condition of approval or had conditions relating to noise control but these conditions were not being complied with, both the Development Act 1993 and LNLC Act could be applied to gain compliance.

The second category of listings is where another Act contains a resolution or complaints process for nuisance issues. An example of this is the *Strata Titles Act 1988* that contains remedies for nuisance within a strata management group. A further example of this type, the *Liquor Licensing Act 1997*, is discussed in detail later in this paper as to whether the provisions of that Act are appropriate to cover all forms of nuisance or are better limited to entertainment type nuisances from established premises.

The third category of listings is where the nuisances are considered a reasonable feature in the community. These include noise from a school or kindergarten, or emergency vehicle sirens.

4 Review of current inclusions and exclusions

4.1 Local nuisance management and liquor licensing

The Liquor Licensing Act 1997 (section 106) provides a complaints process for most forms of nuisances from premises licensed under that Act. So as to avoid conflict between this legislation and the LNLC Act, any form of nuisance that can be dealt with under the Liquor Licensing Act is excluded from being regulated under the LNLC Act through Schedule 1 ('things that are not local nuisance'). As a result, councils have no ability to apply the LNLC Act for most forms of nuisance, and complaints can only be managed by the Office of Liquor and Gambling, under the Liquor Licensing Act.

4.1.1 Bricks and mortar licensed premises

In the context of bricks and mortar licensed premises this means nuisance noise from air conditioners or other plants on the property that would be addressed under the LNLC Act by councils on any other type of commercial premises cannot be addressed. While the process under the Liquor Licensing Act can address nuisances that are not specific to licensed premises the LNLC Act provides a more timely response in these scenarios. Council officers would be more familiar with addressing them than officers from the Office of Liquor and Gambling, who would generally deal with music and patron noise issues.

4.1.2 Outdoor events with a liquor licence

There are also issues with the application of the exclusion to the management of outdoor events. Firstly, the application of the exclusion in circumstances where only part of an event space has a liquor license is problematic. The exclusion only applies to the area that is licensed and therefore the remainder of the event is able to be dealt with under the LNLC Act. This creates problems where council compliance staff are unable to address complaints about nuisances emanating from a licensed area of an event.

A further issue specific to outdoor events is caused because they are inevitably annual or one-off and of a short duration. For outdoor events that are licensed (in part or full), the process under section 106 of the Liquor Licensing Act does not provide for immediate compliance intervention and therefore provides limited deterrence and compliance options in these circumstances. Section 106(3a)(b) provides that no conciliation meeting or other hearing may be held on the complaint until the period of 14 days has elapsed from the day that the licensee is served with a copy of the complaint. This leaves the community with no reasonable avenue to address a nuisance.

Possible solutions

These issues could be easily resolved by amending the exclusion in the LNLC Act to better reflect the specific types of nuisance that are envisaged to be dealt with under the Liquor Licensing Act 1997 being noise associated with the service of alcohol, such as entertainment and patron noise from 'bricks and mortar' licensed premises. This would ensure that common nuisances that are not linked to the service of alcohol and those associated with outdoor events (not associated with bricks and mortar venues) are able to be managed under the LNLC Act.

As an example, a noisy compressor at a hotel is no different to a noisy compressor from a supermarket, has no relationship with the service of alcohol, and should be regulated in the same manner. Events, that will usually have council involvement (eg food inspections, road closures, etc) can also be managed by council in a more responsive manner that meets community expectations if such an amendment were to be made. The Liquor Licensing Act may also benefit from greater clarity as to types of nuisance that its nuisance process is designed to deal with.

Questions:

Should noise and other nuisances, other than those related to entertainment and patrons, that are common to licensed and non-licensed premises be dealt with under the LNLC Act?

Should the LNLC Act be amended so that outdoor events can be subject to the local nuisance provisions despite the fact that some or all of the event space also requires a liquor licence?

Would there be benefit in amending the nuisance provisions of the Liquor Licensing Act 1997 to better align with the LNLC Act?

4.2 Interaction with other legislation

The LNLC Act sets out a number of exclusions related to different Acts in Part 3 of Schedule 1 where the issue of nuisance is adequately managed under the alternative legislation or where another Act contains a resolution or complaints process for nuisance issues. Comment is sought as to whether the current suite of exemptions related to legislation is sufficient or whether there are other Acts that also address local nuisance issues and should be considered for exclusion.

Question: Is the current suite of exclusions related to other legislation that deals with local nuisances sufficient or are there other Acts that also address local nuisance issues that should be considered for exclusion under Part 3 of Schedule 1?

4.3 Animals living in their 'natural' habitat

Noise, odour or waste from animals living in their natural habitat are declared as not being local nuisance under Schedule 1, Clause 5 of the LNLC Act with the exception to this being where animals have been actively encouraged, by feeding, to gather in a particular area. The term 'natural' is not defined in the Act and takes its common meaning being (Macquarie Dictionary): '1. existing in or formed by nature; not artificial: a natural bridge'.

A query was made by a local government officer to the EPA as to whether this definition may extend to the naturalised habitat of mice, rats and pigeons in human structures. Based on the definition above such naturalised habitat should not be considered the same as natural habitat (mice, rats and pigeons in human structures can be considered a local

nuisance) however comment is sought on whether any improvement such as a set definition is necessary.

Question: Is there any need to set a definition for natural habitat?

4.4 Noise from sporting activities – motorsports

Noise or other nuisance from sporting or associated activities at sporting venues is declared as 'not local nuisance' and therefore excluded from regulation under the LNLC Act, on the basis that sports venues are widespread, provide an important community function, and noise, in particular, is incidental to the playing of sport at the venue.

Motorsports is a form of sport that produces considerably more noise than other sports. Motorsports venues, and the noise generated, are mostly already regulated through other legislation (*Development Act 1993*, EP Act and *South Australian Motorsport Act 1984*).

All new and upgraded motorsports venues require a development approval to operate. Development approvals should include conditions to control noise impacts such as limited hours of operation. If a motorsports venue is proposed within 3 km of residential premises not associated with the premises the development application must be referred to the EPA who has the ability to direct refusal or apply conditions to limit impacts. If a motorsports venue is less than 200 metres from a residential premises not associated with the venue it requires a licence under Schedule 1, Activity 8(5) of the EP Act.

If motorsports venues were removed from the exclusion for sporting venues the majority of venues would still not be regulated under the LNLC Act. This is because the Act does not apply to EPA licensed premises or development authorisation approved activities (as discussed earlier) that have conditions to minimise nuisance from the activity (see section 5 and Part 3 of Schedule 1 of the LNLC Act). This reflects the design of the LNLC Act so as not to apply duplication of regulation on activities that are effectively regulated for nuisance impacts under other legislation.

The only motorsports venues that would be able to be regulated by the LNLC Act in this scenario is where development authorisations are lacking conditions that minimise noise impacts on neighbouring residents and those older venues with existing land use rights that do not have a relevant approvals or conditions of approval. The LNLC Act could be used to apply similar controls as would be applied to a new or upgraded facility through the development system with the use of a nuisance abatement notice. Currently the Environment Protection Act 1993 may still be used to regulate such issues.

Question: Should the exclusion for noise and associated nuisances from sporting or associated activities at sporting venues be amended to remove motorsports venues from the exclusion allowing such activities to be regulated under the LNLC Act only in cases where they are not already regulated under a development approval or EPA licence?

4.5 Possible new 'things that are local nuisance'

4.5.1 Light as an agent of local nuisance

Light and heat were included in the definition of local nuisance when the Bill for the LNLC Act was first consulted on in 2015 but subsequently removed prior to the Bill being introduced into Parliament due to feedback from councils that the definition in the Bill was too broad. Since the Act has commenced there have been a number of councils who have indicated that being able to deal with light nuisance under the Act would be useful.

Light is, considered a statutory form of nuisance under Queensland and ACT legislation, is also considered a statutory form of nuisance in the United Kingdom. Light nuisance in a domestic setting is generally easy to resolve through better screening and redirection of lighting or use of timers. Light from larger sources (eg sporting fields and commercial premises) may prove more difficult but, as with all other nuisances regulated by the Act, light nuisance would operate within the due diligence defence provisions in section 27 of the Act where reasonability of actions to ameliorate a nuisance is a relevant consideration. For example, it would be unreasonable for a sporting venue to remove its lights but may be reasonable to adjust direction, upgrade to technology with less light spill or apply a curfew on their use.

Question: Should light be included as an agent causing local nuisance that can be regulated under the Act and if not, what issues would prevent its inclusion?

4.5.2 Noise from vehicles – revving, alarms, off-road motorbikes

The LNLC Act currently excludes noise from vehicles other than vehicles operating within, or entering or leaving, business premises and from waste transport vehicles on roads and road-related areas. This is because it is impractical to apply regulation to general traffic noise, including noisy vehicles on roads, at a specific locality because the vehicles that are causing the noise (and the nuisance) are transiting the location irregularly and cannot, individually, be identified as the source of the nuisance associated with the locality. South Australia Police have powers under the *Australian Road Rules* (rule 291) to deal with individual vehicles that are identified on roads as being unreasonably noisy.

Following the implementation of the legislation it is apparent that there are examples where nuisance is emanating from an identifiable individual vehicle at a specific locality that the exclusion may currently apply to. The examples identified to date are revving of engines on residential premises, running of food refrigeration vehicles on domestic premises overnight, faulty car alarms, and recreational use of off-road motorbikes (not associated with primary production activities).

Question: Should the exclusion relating to noise from vehicles be amended to ensure nuisance from vehicles that is not associated with use on roads is able to be regulated as local nuisance and are there any other examples that should be considered?

4.6 Possible new ‘things that are not local nuisance’

4.6.1 Dust from unsealed roads

Some councils receive complaints regarding dust nuisance generated from unsealed roads. There are tens of thousands of kilometres of unsealed roads throughout South Australia, and it is not practical and would be cost prohibitive to seal all roads and maintain them. Councils are able to assist with nuisance dust where the issue is considerable by erecting signage regarding dust nuisance or reducing speed limits in impacted areas. The LNLC Act attributes responsibility for nuisance by applying to a person carrying on an activity that results in nuisance, or through failure to act. To ensure that councils are not deemed responsible for nuisance dust from unsealed roads through a perverse interpretation of ‘failure to act’ as a result of not sealing a road it is suggested that dust from unsealed roads should be prescribed as ‘not local nuisance’.

Question: Should dust from unsealed roads be considered ‘not local nuisance’ for the purposes of the Act and if not, what circumstances would justify allocation of responsibility to a council?

4.6.2 Noise from public infrastructure – application to vibration and extent of the exclusion

Noise from public infrastructure works is prescribed as ‘not local nuisance’ under Schedule 1 of the LNLC Act. It is prescribed so that infrastructure works which benefit the public are not unduly regulated where the nuisance is unavoidable. While dust can be attenuated, noise is often extremely hard to minimise when working on public infrastructure. Examples include evening or overnight roadworks or water infrastructure maintenance where a certain amount of noise is unavoidable and must be carried out overnight to avoid traffic disruption.

It is evident that public infrastructure earthworks such as the examples given may also result in some level of vibration impact caused by compacting of road base associated with the works. The vibration impact would be minimal in most circumstances and it is proposed to prescribe that vibration from public infrastructure works is not local nuisance. Dilapidation reports (used to assess the state of a building before and after an activity that produces vibration to identify any damage and provide evidence for claiming of damages) may also be available as an alternative to regulation prior to commencement of major public infrastructure projects.

A further issue that has arisen is the extent of the exemption for noise from public infrastructure. While there are roadworks, water pipe repairs and the like that may need to occur late at night and with limited advance notice to fix an issue and avoid disruption to traffic (as discussed earlier). There are other examples of public infrastructure works that may not necessarily need to be conducted at night or in the early morning other than for convenience. One example is concreting works associated with a public hospital redevelopment. Under the terms of the exclusion there are no limits to the nuisance caused to neighbouring properties from this activity whereas the same activity on another site would be regulated by the LNLC Act.

The benefit of applying the Act to such scenarios is that where there is a valid need an exemption (under section 19) can be sought and, as part of that process, neighbours can be informed by the applicant and complaint mechanisms put in place by the applicant such that the council should receive less complaints.

Questions:

Should the exclusion of noise from public infrastructure be extended to also exclude vibration from public infrastructure?

Should the exemption for public infrastructure be limited to activities where nuisance cannot reasonably be avoided or managed?

4.6.3 Early morning concrete pours in hot weather

An occasional source of noise complaints in the community is the early morning commencement of concrete pours associated with construction within residential areas. Early morning pours are done either due to the size of the pour or to accommodate extreme weather conditions that might affect the structural integrity of the concrete. Heat-related issues can be overcome to some extent with curing additives, and sealants applied after the pour. Whilst there are alternative approaches available, this form of nuisance is usually a one-off event, has technical merit and warrants consideration of allowing early starts through some form of exemption where extreme heat is forecast. It would be important to set limits on what constitutes a reasonable early start time and to ensure the forecast temperature is easily verified by compliance staff so that it is not abused by operators over summer months.

Questions:

Should provision be included to allow for early morning concrete pours during extremely hot weather?

If allowance was made, what are relevant considerations regarding applying limitations such as temperature and start time?

5 Waste collection vehicles – application beyond roads and road-related areas [section 5(5)]?

The LNLC Act is designed so that the majority of activities licensed by the EPA are excluded as they are already regulated directly by the EPA under the EP Act. The exceptions to this are activities that are undertaken associated with a vehicle, including: earthworks drainage, dredging and waste transport.

This is for two reasons. Firstly, that litter from such vehicles is better dealt with under the provisions of the LNLC Act and to exclude these vehicles would have made the operation of a public litter reporting program more difficult in that checks would need to be made against a list of licence plates which would need to be kept up to date. The second reason is that the general public should have confidence in reporting nuisances to the appropriate regulator in that neighbours of an EPA licensed site would generally know to make complaints to the EPA whereas a complainant aggrieved by a nuisance from a mobile activity would be unlikely to know that the activity is licensed by the EPA.

The wording of the current exclusion is limited to 'roads and road-related areas', as defined in the *Road Traffic Act 1961*. While the common meaning of these terms might seem to limit the application to public roads and nearby areas, the definitions extend their meaning to include private property areas that are publicly accessible to pedestrians, bicycles and

motor vehicles. The way that the exclusion is written means that, in the case of waste transport vehicles, the LNLC Act generally applies to nuisance generated by them except when operating on private property that is not accessible to the public, as noted above. This creates a regulatory arrangement that is very difficult to communicate and creates unnecessary difficulty when assessing alleged nuisance from waste transport vehicles that are operating on private property.

Question: Should the LNLC Act apply to waste transport vehicles operating on private property as well as when operating on roads and road-related areas?

6 Improve subjective assessment of nuisance or introduce objective measures of compliance

Subjective assessment is provided for in section 50 of the LNLC Act to allow authorised officers to assess the presence of nuisance using their own senses. This may include aural assessment of noise, visual assessment of dust or smoke nuisance, and odour assessments. Regulations (regulation 4) under the Act provide guidance on various considerations when making a subjective assessment of the presence of nuisance. The broader experience of the EPA in assisting councils with the implementation and administration of the Act is that subjective assessment is being used effectively to assess nuisance complaints, will improve with experience, and could be further improved by further training from the EPA in subjective assessment.

Sensory evidence, or subjective assessment, is not new when dealing with nuisances throughout Australia. In South Australia it is already provided for under provisions identical to those in the LNLC Act, under section 139(4) of the EP Act. Tasmania, Queensland and Victoria all allow subjective assessment by councils of nuisance. In Victoria, they prohibit the use of domestic air conditioners overnight where noise is audible within a habitable room of another residential premises. Audibility of noise is a very straightforward use of subjective assessment whereas determining the reasonability of an audible noise is less so.

While there are provisions in the Act that support subjective assessment, there is nothing in the Act, as is also the case with the EP Act that prevents the taking of objective measurements as part of determining whether there is sufficient evidence that an offence may be occurring.

One issue that may arise, in the area of noise nuisance, is where a subjective determination of noise nuisance is made relating to a complaint where the noise is of a nature that is borderline with regard to causing nuisance and a further objective measurement (taken after the subjective determination by the alleged offender or a third party) may appear contradictory. For this reason, all noise complaints of a borderline nature should be assessed with an element of objective measurement to ensure that compliance requirements are reasonable and effective. Subjective assessment is still useful for very obvious offences and for obviously unreasonable complaints.

Under the EP Act, the *Environment Protection (Noise) Policy 2007* (Noise Policy) provides objective guidance on what is considered to meet the general environmental duty (section 25 – reasonable and practicable measures) relating to noise. In essence, this sets noise standards for compliance with the general environmental duty.

The LNLC Act has similar to the general environmental duty under section 27 – defence of due diligence. Assessment of noise against the Noise Policy to assist in determining whether the defence of due diligence is likely to be applicable is appropriate in cases where the noise is of a borderline nature. However, a similar approach could be incorporated into the LNLC Act or Regulations to provide clarity around the use of such an approach.

Current guidance to local government could be updated to incorporate a process chart that councils can use straightforward noise nuisances (high end, low end, and matters of fact/time related) with subjective assessment alone, and for making a subjective determination (not limited to subjective assessment) of borderline or other complicated noise nuisance issues that incorporates an objective assessment using the Noise Policy or a similar scheme established under the Act to provide certainty in assessments. Such a procedure could also be incorporated into the Regulations to build on the guidance provided by regulation 4.

There are other options that could be considered to improve the application of the subjective assessment approach within the legislation. Non-legislative approaches could include further training of local government staff or the development of a standard operating procedure that could be adopted by councils.

A further legislative option specific to key domestic noise sources such as air conditioners, would be to apply a similar approach as Victoria where audibility of certain noise sources from habitable rooms of a residential premises during night-time hours, except under exceptional circumstances such as extreme weather, is prohibited.

Questions:

Would any of the options discussed improve the assessment of noise nuisance under the LNLC Act?

Are there any other suggestions to improve the assessment of noise nuisance under the LNLC Act?

7 Litter discussion points

7.1 Allowing councils to clean up and recover costs after if a hazard exists

The LNLC Act does not prevent councils from urgent clean-ups of littered material, however it does not allow for cost recovery in these circumstances. The Act provides that a Litter Abatement Notice may be issued to the person responsible for the litter that requires, among other things, that they clean it up. Such a notice would also include a timeframe for the clean-up to occur. If the notice is not complied with then the council may clean up the material and charge the person responsible for the cost of that clean-up.

This scenario is fair and reasonable in most situations as it provides procedural fairness to the alleged offender. When there is material littered that causes a hazard whether a health or environmental hazard or a physical hazard (eg in the middle of a road) it may be a reasonable community expectation that the material is cleaned up immediately. This may not always be able to be done by the offender as the offender may not even be known to authorities early on.

The Act does provide for the court to order costs be paid by the convicted party for such matters (section 45) but only where there is a conviction. The civil penalty provisions of the Act (section 34) do not provide a specific remedy in this regard as the maximum civil penalty is the maximum penalty for the offence plus any illegally obtained economic benefit. It could be argued that part of the penalty applied could be used to offset the cost of clean up or alternatively, that the clean-up cost was an avoided cost of economic benefit to the alleged offender and recoverable. An option to explore could be a retrospective order of costs for such a scenario where an offender is identified but a conviction, for whatever reason, is not pursued. This could possibly be achieved through an extension to section 48 where councils may currently recoup technical and administrative costs.

Question: Should a retrospective costs order be made available to councils where immediate clean-up of litter is required because it is causing a hazard?

7.2 Bill posting – car parks and expiations

Under the LNLC Act a person must not post a bill on property without the consent of the owner or occupier of the property. This covers posting of bills on buildings, cars and other property but it is unclear as to whether, where bill posting is occurring on vehicles within a carpark, whether the carpark constitutes 'on property' or whether it only applies to the cars. This is important as a car park owner may be aggrieved by the posting of bills on their land but may not have recourse to deal with it themselves. The ability to address the bill posting would rest with the owner of a car in the carpark. This may need improvement as it is the owner of the carpark that will be responsible for removing the resulting litter and, where offensive material is being distributed, may suffer reputational damage.

The Act currently only provides for a court imposed penalty for persons that authorise bill posting. Court proceedings are a considerable cost to councils and alleged offenders and an expiation will provide deterrence from reoffending in many instances. An expiation amount for section 23(2) would overcome this issue.

Question:

Should car park owners be able to commence proceedings for distribution of bills on their premises?

Should there also be an expiation for the offence of authorising bill posting?

7.3 Illegal dumping

Illegal dumping is a considerable issue in the community and the LNLC Act introduced a number of tools to assist councils with compliance and cost recovery. Such initiatives include the following:

- Vehicle owner responsibility provisions that allow for surveillance of illegal dumping hotspots and for reports of vehicles being used for illegal dumping to be better followed up for possible prosecution.
- Higher penalties and expiations for acts of illegal dumping.
- Specific penalties for asbestos dumping.
- Ability to order clean-ups where the offender is known.
- Ability to undertake the clean-up and charge the offender where the offender does not comply with a litter abatement notice.

Question: Are there any suggested changes to the LNLC Act that would assist in tackling illegal dumping?

7.4 Trolleys

Trolleys that are dumped outside of shopping centres constitute littering under the LNLC Act. The offence applies to the person doing the littering, not the owner of the trolley. Council officers are rarely present to witness the act of littering and there is little in the Act to resolve the problem effectively. The act of littering does not extinguish ownership rights for these articles.

There are a number of approaches that could be considered further to assist councils with the management of trolleys in their area. Many of these were raised at a 'Shopping Trolley Summit' hosted by the City of Marion in July 2018. Extension of the litter abatement notice provisions such that they can be issued to the owners of trolleys requiring collection or preventative measures to be implemented is one way that this might be achieved.

The ACT has a scheme in place to better manage trolleys dumped in the community. It should be noted however that the ACT government provides all local government services as there are no councils in the ACT. In any other State or Territory the programs established for trolleys in the ACT would be administered by local government.

The ACT scheme is summarised below:

- the creation of offences against the improper use of shopping trolleys including removal of trolleys from shopping centres
- a retailer must place signage warning people against taking shopping trolleys outside a shopping centre precinct;
- requirement upon a retailer that they keep trolleys on their premises with an exemption from this requirement if a trolley containment system is in place (eg deposit or wheel locks)
- the provision of identification on shopping trolleys to assist their collection if abandoned
- a proactive trolley collection scheme that allows the government to respond to a trolley problem in a specific area.

Some councils across Australia have introduced local bylaws to manage the issue. For example, Alice Springs Town Council's bylaws allow council officers to fine people caught abandoning trolleys, impound trolleys collected from council land, charge the owner of the trolleys a release fee, require the owner to collect the trolleys, and to dispose of the trolleys if not collected. In the context of this review, such provisions could be written into the LNLC Act as general provisions that councils could utilise at their discretion. Alternatively it could be left to councils to create their own bylaws in this area.

One issue that needs consideration when applying stricter controls on the use of trolleys outside of shopping centres is the potential for social disadvantage for those without a car or the means to buy their own personal trolley to transport shopping to their home. This issue was highlighted in a report by the ACT Human Rights Commissioner in response to the ACT trolley controls¹. A further issue is whether such changes might promote additional car use, however this impact would be minimal.

Questions:

Are general litter provisions sufficient to manage abandoned trolleys and if not, what would be the preferred approach for local government and why?

Have councils considered use of existing bylaw making provisions in the *Local Government Act 1999* to regulate the abandonment of trolleys on council roads?

How do you suggest the issue of social disadvantage and trolley use is addressed?

8 General discussion points

8.1 Abatement notices – linkage to land

One of the main tools for addressing nuisance from fixed machines such as air conditioners and pool pumps is a nuisance abatement notice. Nuisance from a fixed machine requires ongoing management to avoid further nuisance so controls such as limiting hours of operation or requiring the maintenance of an acoustic barrier may be appropriate elements of a notice. It has been identified by local government that change of ownership of a property with a problematic fixed machine that has controls applied within a notice is not able to be transferred to the new owner of the property and a new regulatory process would need to be undertaken to apply the controls to the new owners. It has been proposed that the LNLC Act be amended to allow councils to register nuisance abatement notices against land where the source of the nuisance at a property requires ongoing regulation.

Question: Should the LNLC Act be amended to allow councils to register a notice on land when it is considered that the source of a nuisance on a property requires ongoing regulation?

8.2 Improving cost recovery

Cost recovery is an important element of any regulatory function performed by government. The LNLC Act contains a number of cost recovery provisions, generally linked to contraventions of the legislation that are directed at recovering costs from offenders. Where such measures are not being utilised or are not completely effective the residual cost is, by default, recovered through general rates as a service provided for the benefit of the broader community. Advice is sought from stakeholders regarding other potential mechanisms that could be considered to further enhance cost recovery provisions of the Act aimed at the offender.

Question: What other mechanisms for cost recovery should be considered for the LNLC Act?

8.3 Which court is best placed to deal with nuisance, litter and illegal dumping?

The Environment, Resources and Development (ERD) Court specialises in environment protection and has a greater, and likely more consistent, knowledge of matters such as nuisance, litter and illegal dumping. The ERD Court acts as the Magistrates Court in its criminal jurisdiction, and there is therefore no substantive difference in procedure between the

¹ <http://www.hrc.act.gov.au/res/Response%20to%20CM%20Shopping%20Trolleys.pdf>

ERD Court and the Magistrates Court. The only minor difference in practice is that the ERD Court tends to have more pre-trial listings (ie a pre-trial conference followed by a directions hearing).

At present, in the ERD Court, the matters are heard in a central location. In the Magistrates Court, the matters can be heard either in Adelaide or in a regional court. While there is no requirement that a matter must be heard in a location where the offence took place, considerations of the balance of convenience (including, most relevantly the location most convenient to the defendant) would come in to play. As a result, matters could end up being listed in Port Augusta, Ceduna, Mount Gambier or elsewhere. While this would make use of the legislation by the EPA potentially more costly, it would provide greater access to regional councils to pursue prosecutions.

The Magistrates Court also has the facilities to arrange payment options for fines so offenders can go from the court to the cashier to finalise penalty payments. All metropolitan Magistrates Courts have staff to help direct a person to the court, a duty solicitor and assistance for disability or language issues.

Question: What are the views of local government regarding the current jurisdiction that the LNLC Act falls within, and what are the positives and negatives for changing the jurisdiction to the Magistrates Court?

8.4 What jurisdiction is best placed to deal with administrative appeals?

The LNLC Act currently provides that appeals against litter and nuisance abatement notices are to be made to the ERD Court. At the time that the Act was drafted, the South Australian Civil and Administrative Tribunal (SACAT²) was still in the process of being fully established and bringing relevant existing legislation under its jurisdiction. SACAT is considered a lower formality and lower-cost jurisdiction for administrative appeals. As a result of the complexity and volume of work being done to implement SACAT at the time it was not considered appropriate to add the Act to the SACAT jurisdiction. Instead it was determined that appeals under the Act should be dealt with by the ERD Court.

Question: Does the specialist nature of the ERD Court provide benefits when hearing appeals against notices that would outweigh any cost benefits associated with moving appeals to SACAT?

8.5 Exemptions from the LNLC Act for causing local nuisance

Persons creating nuisance may apply for an exemption from the LNLC Act (section 18). The process requires the applicant to submit a site nuisance management plan to the satisfaction of the council that details the sources of the nuisance, the steps being taken to minimise the nuisance and details of a person that can receive complaints regarding the nuisance, among other things. There are some necessary activities in the community that will cause local nuisance which is largely unavoidable and the exemption provision is in place to accommodate these activities.

The provisions in the Act allow for an exemption to last for a maximum of three months. If an activity that causes local nuisance extends beyond this period then a further exemption would need to be applied for, using the same process. The time limit for exemptions is in place to ensure that activities causing nuisance are completed in a timely manner and that activities do not drag on to the detriment of neighbours simply because no time limit is established. One activity that has the potential to cause nuisance over an extended period is large-scale construction which will often last several months and in some cases more than a year. In these circumstances the proponent will need to apply for an exemption every three months. A shorter process for extension or special categories of exemption that facilitate longer-term projects could be considered to reduce the administrative burden on councils and on proponents.

² SACAT is a state tribunal that helps South Australians resolve issues within specific areas of law, either through agreement at a conference, conciliation or mediation, or through a decision of the tribunal at hearing. SACAT also conducts reviews of government decisions.

Question: Are there any opportunities for improvement to the exemption process which reflects a balance between excessive exposure for neighbours, and the reality of some activities that cause local nuisance lasting longer than three months?

9 Other improvements

The issues identified above have been derived from feedback from stakeholders, mostly councils, during the first 18 months of the full operation of the legislation. This is not to say that there are not other issues that stakeholders would like considered as part of the review of the LNLC Act.

Question: Are there any legislative, non-legislative or administrative suggestions that you would like to have considered as part of the review of the LNLC Act?

Further information

Legislation

[Online legislation](#) is freely available. Copies of legislation are available for purchase from:

Service SA Government Legislation Outlet
Adelaide Service SA Centre
108 North Terrace
Adelaide SA 5000

Telephone: 13 23 24
Facsimile: (08) 8204 1909
Website: <https://service.sa.gov.au/12-legislation>
Email: ServiceSAcustomerservice@sa.gov.au

General information

Environment Protection Authority
GPO Box 2607
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Telephone: (08) 8204 2004
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Freecall: 1800 623 445 (country)
Website: <https://www.epa.sa.gov.au>
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REVIEW OF THE *LOCAL NUISANCE AND LITTER CONTROL ACT 2016*

CITY OF ADELAIDE SUBMISSION

September 2019



DOCUMENT PROPERTIES

Contact for enquiries and proposed changes

If you have any questions regarding this document or if you have a suggestion for improvements, please contact:

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1. INTRODUCTION

The *Local Nuisance and Litter Control Act 2016* (the LNLC Act) provides the legislative framework for councils to manage local nuisance and litter matters in within their area. The LNLC Act is relatively new and came into effect in in two phases; litter provisions in February 2017, and local nuisance provisions in July 2017. At the two year mark the Environment Protection Authority (EPA) have determined to undertake a review of the LNLC Act and have called for submissions from councils, community, and other stakeholders. The EPA consultation paper *LNLC Act Discussion Paper 2018 (002)* has been considered by the City of Adelaide (CoA) and the questions posed by the EPA in that consultation paper are addressed in this submission.

2. BACKGROUND

The CoA has a history of working with the South Australian Government and the Environment Protection Authority (EPA) to address environmental pollution caused by litter and nuisance activities. The commencement of the LNLC Act in 2017 saw significant broadening of the definitions relating to littering and shifted responsibility for management of local nuisance matters from the EPA to councils.

Throughout the transition and implementation phase of the LNLC Act the EPA have provided support to the CoA through written, phone, and in person advice, occasional acoustic monitoring of noise matters, and the provision of training sessions when the LNLC Act first commenced. Further, for approximately 18 months the EPA supported a 'dob in litterer' app which provided a platform for community members to report instances of litter associated with a vehicle for investigation. These reports were investigated and enforced by the EPA rather than councils, however in September 2018 the app was disabled, and all littering reports are now dealt with by councils.

Over the two years since the implementation of the LNLC Act, CoA has investigated 427 reports of local nuisance and 74 reports of litter (not including illegal dumping associated with hard rubbish collections). Three expiation notices have been issued and one direct prosecution initiated. Enforcement rates have been low, and this can be attributed to two factors. Firstly, the CoA always seeks a negotiated outcome in the first instance and has been successful in achieving this in most cases. Secondly, there have been a number of sections of the LNLC Act which have proven extremely challenging for the CoA to administer. Those challenges have been previously shared with the EPA and are addressed in this submission.

The CoA is pleased to see that the EPA has taken the various challenges facing councils across the State onboard and has developed the consultation paper *LNLC Act Discussion Paper 2018 (002)*. The CoA values the opportunity to provide a submission to help inform the review of the LNLC Act. This submission addresses all matters raised in the EPA paper and also includes additional areas not yet discussed for the EPA's consideration.

2.1 Referenced Legislation

The following Acts have been referenced throughout.

Legislation	Abbreviation
<i>Local Nuisance and Litter Control Act 2016</i>	LNLC Act
<i>Liquor Licensing Act 1997</i>	LL Act
<i>Local Government Act 1999</i>	LG Act
<i>South Australian Public Health Act 2011</i>	SAPH Act
<i>Environment Protection Act 1993</i>	EP Act
<i>Development Act 1993</i>	Dev Act

2. LOCAL NUISANCE MANAGEMENT AND LIQUOR LICENSING

2.1 Should noise and other nuisances, other than those related to entertainment and patrons, that are common to licensed and non-licensed premises be dealt with under the LNLC Act?

The EPA is familiar with the challenge facing councils and the community whereby, for example, an extractor fan requires maintenance and is emanating nuisance noise. The noise is from fixed machinery on a licensed premise and is occurring whenever the business is operating, primarily at night time. There is a simple fix, however the proprietor does not voluntarily service the exhaust fan. The matter cannot be dealt with under the Dev Act as there are no relevant conditions to enforce. Less than 10 people are impacted by the noise and therefore Consumer and Business Services cannot investigate under the LL Act. Due to the liquor licence being in place, the LNLC Act cannot be used. Without the good will of the proprietor or the EPA taking carriage of the investigation under the general duty provision of the EP Act, there is no avenue to address the matter. Further, investigating this type of noise nuisance is not within the general expertise of Consumer and Business Services.

Noise and smoke relating to machinery fixed to the building or certain activities at the premises, such as air conditioner, extractor fan noise or smoke should be dealt with as if the premises did not have a Liquor Licence. Other nuisances such as noise from patrons and entertainment should continue to be dealt with under a Liquor Licensing conditions and/or 106 of the LL Act.

In the case that Part 3, clause 5(k) was amended to provide for certain local nuisances emanating from licensed premises, then Part 3, 5(m) could be complementarily amended to also include: "Noise principally consisting of music or voices, or both, resulting from an activity at a domestic or licensed premises."

2.2 Should the LNLC Act be amended so that outdoor events can be subject to the local nuisance provisions despite the fact that some or all of the event space also requires a liquor licence?

In our experience, nuisance noise from events relates to patron or entertainment noise, rather than noise from fixed machinery etc. and is therefore best to continue to manage these through the enforcement provisions within the LL Act, conditions related to an event licence under the LG Act, or the current nuisance exemption provisions (LNLC Act) depending on the individual situation.

2.3 Would there be benefit in amending the nuisance provisions of the Liquor Licensing Act 1997 to better align with the LNLC Act?

The CoA understands that the LL Act has recently been reviewed and is about to undergo the final stage of amendments in November of this year. Through that review process it is understood that amendments to section 106 of the LL Act were not tabled and would be unlikely to be included at this late stage of the process.

It would therefore be appropriate and helpful to amend the LNLC Act to provide an opportunity to deal with local nuisance emanating from licensed premises as discussed in 2.2.

3. INTERACTION WITH OTHER LEGISLATION

3.3 Is the current suite of exclusions related to other legislation that deals with local nuisances sufficient or are there other Acts that also address local nuisance issues that should be considered for exclusion under Part 3 of Schedule 1?

The current suite of exclusions has been suitable for CoA to date.

4. ANIMALS LIVING IN THEIR 'NATURAL' HABITAT

4.1 *Is there any need to set a definition for natural habitat?*

CoA considers there is not a need to provide a definition of natural habitat within the LNLC Act. However, if a definition is included, consideration should be given to the fact that there is no practical alternative environment for rats, mice, and pigeons, other than the urban environment, nor is it practical to remove those animals from the urban environment when present in usual numbers. Further, in the case of causing, allowing, or failing to prevent excessive rats, mice, or pigeons to be at/on/in a premise, the LNLC Act may not provide the most appropriate framework as health and pest issues relating to rats, mice, and pigeons in the urban environment may be better dealt with through the provision of the SAPH Act or the Food Act.

5. NOISE FROM SPORTING ACTIVITIES – MOTORSPORTS

5.1 *Should the exclusion for noise and associated nuisances from sporting or associated activities at sporting venues be amended to remove motorsports venues from the exclusion allowing such activities to be regulated under the LNLC Act only in cases where they are not already regulated under a development approval or EPA licence?*

The CoA is not impacted by this matter. Though, environmental pollution such as noise from motor sports would likely impact multiple stakeholders and may continue to be dealt with through the provisions of the EP Act.

6. POSSIBLE NEW 'THINGS THAT ARE LOCAL NUISANCE'

6.1 *Should light be included as an agent causing local nuisance that can be regulated under the Act and if not, what issues would prevent its inclusion?*

Light should not be included as an agent of local nuisance. Light from sporting fields, billboards etc. should be dealt with under the Dev Act. Light from hand held torches or other lights deliberately shone into domestic premises is a personal safety matter and should therefore be dealt with by Police.

Light nuisance investigations would require councils to procure, maintain, and be trained in the operation of specialist equipment such as Lux metres. Investigations would need to be undertaken at night time which would have significant resourcing implications for councils, particularly those with smaller teams of Authorised Officers. As the LNLC Act is still new, council Authorised Officers are still learning how to best measure and manage noise nuisance and the introduction of light as an agent of nuisance and the associated need for equipment, skills, and resourcing would be too burdensome for councils at this time.

If light is included as an agent of nuisance it is critical that light from public lighting is excluded. Public lighting should include a definition which includes light from public lighting infrastructure or light from lighting installed in private areas for public use or to provide safe public thoroughfare.

6.2 *Should the exclusion relating to noise from vehicles be amended to ensure nuisance from vehicles that is not associated with use on roads is able to be regulated as local nuisance and are there any other examples that should be considered?*

The CoA supports an amendment to include noise such as refrigerator noise emanating from food trucks parked overnight in driveways as a nuisance noise. The CoA do not support the inclusion of all

refrigerated truck or engine noise from vehicles parked on the street during normal delivery operations. A common example is secure cash collection trucks which are required to be airconditioned at all times and may need to be parked next to a house regularly to conduct collections for banks. These trucks can be noisy. Another example is a small goods delivery truck which parks for 15 minutes a day, 5 days a week, in the same park. The humming of the engine and refrigerator can cause annoyance to nearby residents. Whilst these matters do impact the local community, it is not practical for councils to pursue this type of activity. It would be incredibly challenging to investigate, correct, and monitor.

Noise from vehicles revving/hooning within domestic premises and off-road motorbikes should not be included as a noise nuisance in the LNLC Act. Council's Authorised Officers are not equipped to manage those matters and do not have the required skills, equipment, and support functions (such as centralised communication and real time CCTV access etc.) in place to effectively and safely deal with moving vehicles. SAPol continue to be best placed to manage these matters.

The CoA does not support the inclusion of vehicle alarms as a noise nuisance. Council Authorised Officers do not have quick access to vehicle registration details and therefore would struggle to deal with the matters at the time.

6.3 Should dust from unsealed roads be considered 'not local nuisance' for the purposes of the Act and if not, what circumstances would justify allocation of responsibility to a council?

This is not a matter which has impacted the CoA, however dust from unsealed private roads being caused to be deposited on neighbouring land could be dealt with under the litter provisions of the LNLC Act and removed from being dealt with under the nuisance provisions.

6.4 Should the exclusion of noise from public infrastructure be extended to also exclude vibration from public infrastructure?

Despite the fact that the LNLC Act does bind the Crown, it does not impose any criminal liability on the Crown. As such, Council cannot expiate or prosecute the Crown for breaches of the LNLC Act, it can only issue Abatement Notices or enter into civil arrangements. A breach of an Abatement Notice cannot be pursued, and civil arrangements must be arranged through Court and it is therefore a lengthy process, which is unlikely to resolve the matter at hand. In the interest of transparency for the community and councils alike, the CoA supports an amendment to include all local nuisance caused by public infrastructure works in the exclusion provision.

This would not be to exclude to the Crown, CoA, or any other body undertaking public infrastructure works from responsibility to manage their local stakeholders and local nuisances caused by the works, it is to achieve the opposite. By removing the need for an investigation and associated ineffective, heavily constrained enforcement action, and instead by directing those impacted people to the relevant public infrastructure delivery body, communities should be better able to shape the way projects are delivered for their benefit. By shielding project bodies in a confusing regulatory framework, responsibility can be inadvertently separated from the project to the area of councils responsible for administering the LNLC Act.

6.4 Should the exemption for public infrastructure be limited to activities where nuisance cannot reasonably be avoided or managed?

Same as above

7. EARLY MORNING CONCRETE POURS IN HOT WEATHER

7.1 Should provision be included to allow for early morning concrete pours during extremely hot weather?

The CoA has set a shorter exemption application time from for inclement weather as the default time frame for an application to be submitted is not practical. A seven-day forecast can accurately predict the weather 80 percent of the time and a five-day forecast can accurately predict the weather approximately 90 percent of the time. However, a 10-day—or longer—forecast is only accurate 50 percent of the time. CoA have therefore introduced a lodgement period for nuisance activities to be undertaken outside of those times set out in Schedule 1 section 4 (a)(C) as five days, for the purposes of worker safety and concrete structural integrity during extreme or inclement weather events.

This provides CoA with the ability to assess the application and attach terms and conditions to protect the community, while still balancing the needs of the construction industry. If this was to be covered in the Act then robust conditions would also need to be included. This may require further consultation with industry and councils to form the relevant framework.

7.2 If allowance was made, what are relevant considerations regarding applying limitations such as temperature and start time?

If a general exemption is included, the CoA would like to see the relevant requirements, as a minimum, included:

- Minimum and maximum temperatures
- Minimum rain level
- Minimum wind speed
- Minimum stakeholder consultation requirements
- Stakeholder grievance management requirements
- Site nuisance management requirements
- Requirement to notify Council prior to the out of hours work commencing, including notification of the responsible person

8. WASTE COLLECTION VEHICLES – APPLICATION BEYOND ROADS AND ROAD-RELATED AREAS [SECTION 5(5)]?

8.1 Should the LNLC Act apply to waste transport vehicles operating on private property as well as when operating on roads and road-related areas?

On occasion, the CoA deal with noise concerns relating to domestic waste collection by private contractors on private property (behind boom gates etc) in circumstances where the associated Development Approval does not adequately address this type of noise nuisance. Outcomes are sought in an informal way through negotiation and mediation. It would be helpful to have powers extended to take formal action in instances where informal action is ineffective.

CoA waste collection services are currently exempt under Part 3, clause 5(d) of the LNLC Act, as all local government waste collection services would likely be. In the interest of clarity, transparency, and ease of administration, the CoA encourages the EPA to consider an express exemption for council waste collection services.

9. IMPROVE SUBJECTIVE ASSESSMENT OF NUISANCE OR INTRODUCE OBJECTIVE MEASURES OF COMPLIANCE

9.1 Would any of the options discussed improve the assessment of noise nuisance under the LNLC Act?

CoA support continuing to work together with the EPA, as subject matter experts, to implement and administrator the LNLC Act. There has not yet been sufficient time for Authorised Officers to learn the relevant subjective assessment skills to effectively assess noise nuisance complaints. It is expected that the skills and experience of Authorised Officers will improve over time. By including an additional skill set requirement at this time would mean councils would incur significant additional costs in equipment and Authorised Officer upskilling. It may be the EPA's intention to include a provision which can be utilised at council's discretion. It is important to note that community expectation is likely to become that councils should use that provision in all circumstances.

CoA is managing the vast majority of local nuisance matters through effective subjective assessment and may utilise measurement of noise, when required, to assist an Authorised Officer to form a view. CoA is comfortable continuing with this approach.

9.2 Are there any other suggestions to improve the assessment of noise nuisance under the LNLC Act?

A further defence of due diligence may not be useful as it is already fundamentally factored in through regulation 4 decision making guidelines, specifically 4(1)(b)(iii) and 4(1)(b)(v). Without satisfying both provisions of regulation 4, a local nuisance should not be declared. Further training and out of hours assistance (up to 8pm) from the EPA would be greatly appreciated. The EPA will continue to be subject matter experts and councils will continue to require guidance and assistance as Officers' experience and knowledge develops over time.

10. ALLOWING COUNCILS TO CLEAN UP AND RECOVER COSTS AFTER IF A HAZARD EXISTS

10.1 Should a retrospective costs order be made available to councils where immediate clean-up of litter is required because it is causing a hazard?

A retrospective cost provision would be in the best interests of the community so long as it includes a burden on councils to demonstrate that an immediate risk to community health and safety exists prior to utilising the provision. Further, a retrospective costs order process should be simple, and consideration should be given to a minimum cost threshold. For example, it should not be possible to pursue costs associated with waste collection of less than \$200. This would provide decision making transparency for rate payers who may not understand the cost may outweigh the benefit associated with enacting the provision for small amounts. This could also be covered through Policy positions at each council.

11. BILL POSTING – CAR PARKS AND EXPIATIONS

11.1 Should car park owners be able to commence proceedings for distribution of bills on their premises?

A civil route should be provided for both bill posting and disposing of litter.

11.2 Should there also be an expiation for the offence of authorising bill posting?

An expiation fee should be set for the offence of authorising bill posting and consideration should be given to the effectiveness of that amount. Consideration should also be given to multiple fee levels similar to those amounts set for litter.

12. ILLEGAL DUMPING

12.1 Are there any suggested changes to the LNLC Act that would assist in tackling illegal dumping?

Introduction of an expiation amount for less than 50 litres of class A litter would give councils a more effective option, together with retrospective recovery of clean-up costs discussed in 10.1, in dealing with small amounts of Class A waste.

12.2 Are general litter provisions sufficient to manage abandoned trolleys and if not, what would be the preferred approach for local government and why?

The issue of abandoned shopping trolleys is not as prevalent within CoA as in other council areas and CoA notes that the experience and input of those councils would be of greater value.

Notwithstanding, it appears logical to include trolleys in the list of general litter examples held within section 22(5) of the LNLC Act as a point of clarity. This would ensure that there is a clear pathway for councils to utilise the provisions set out in section 30(f) for the purpose of control and prevention of trolley litter.

12.3 Have councils considered use of existing bylaw making provisions in the Local Government Act 1999 to regulate the abandonment of trolleys on council roads?

Not at this time.

12.4 How do you suggest the issue of social disadvantage and trolley use is addressed?

Councils are required to consider their enforcement approach based on many factors, generally including whether or not taking action would compromise more pressing matters. There are two circumstances for councils to consider. Firstly, trolleys left in the public realm full of litter or personal items. A Trolley full of litter would be treated differently to a trolley left full of personal items and each Authorised Officer should be comfortable making a decision in each case. If a council required a supermarket to prevent the escape of trolleys from the premises, consideration could be given to what circumstances would still be allowed, and what alternative options are available for the supermarket and community members. Secondly, Trolleys used by community members to transport groceries home and are not returned to the supermarket. Councils and supermarkets would need to consider how to ensure trolleys used in this way are returned to the supermarket and/or alternative options for those without vehicles to transport their groceries home.

13. ABATEMENT NOTICES – LINKAGE TO LAND

13.1 Should the LNLC Act be amended to allow councils to register a notice on land when it is considered that the source of a nuisance on a property requires ongoing regulation?

It is not clear whether this is a good option for matters requiring ongoing management at this time. Further details around the process are required.

13.2 What other mechanisms for cost recovery should be considered for the LNLC Act?

There are no other cost recovery mechanisms required at this time other than those discussed in point 7.1.

14. JURISDICTION

14.1 What are the views of local government regarding the current jurisdiction that the LNLC Act falls within, and what are the positives and negatives for changing the jurisdiction to the Magistrates Court?

Moving jurisdiction for prosecutions to the Magistrates Court may be more convenient for regional councils as there are Magistrates Courts in several South Australian towns, whereas the ERD is situated within the Adelaide CBD only. The ERD was initially selected as the appropriate court as the ERD is constituted of Judges and Commissioners with specialist knowledge who are familiar with dealing environmental and amenity issues. These positive factors remain and may outweigh the convenience of the Magistrates Court.

Further, it is understood that the Magistrates Courts have a heavy work load and there may be longer delays for matters arising under the LNLC Act to be heard.

14.2 Does the specialist nature of the ERD Court provide benefits when hearing appeals against notices that would outweigh any cost benefits associated with moving appeals to SACAT?

CoA has experiences on Abatement Notice appeal through the ERD and found the process to be helpful in resolving the matter. Without further experience undertaking this process through the ERD the CoA is not in a position to provide an opinion.

15. EXEMPTIONS FROM THE LNLC ACT FOR CAUSING LOCAL NUISANCE

15.1 Are there any opportunities for improvement to the exemption process which reflects a balance between excessive exposure for neighbours, and the reality of some activities that cause local nuisance lasting longer than three months?

There are no other opportunities to improve the exemption process other than those discussed at point 4.6.3.

16. OTHER IMPROVEMENTS

16.1 Are there any legislative, non-legislative or administrative suggestions that you would like to have considered as part of the review of the LNLC Act?

Interaction with Development Approvals

Part 3 clause 5(d) creates a situation where councils are required to decipher complex development approvals issued by the State Commission Assessment Panel and to determine whether there is an approval condition imposing a requirement to control, minimise, or eliminate (as far as reasonably practical) any noise or other forms of nuisance likely to result from the activity. If there is an approval condition it can often be difficult to determine whether it is reasonable and whether the site is compliant with that condition. This creates a complex and unclear situation and comes at a significant cost to councils. This process can be time consuming and leaves our community members experiencing a local nuisance while councils work through these issues. To address this circumstance, the burden could be reversed.

Part 3 clause 5 (d) could be reworded to read:

noise or other nuisance from any other activity carried on in accordance with an authorisation (including an approval, consent, licence, permit, exemption or entitlement) granted under any

other Act (other than this Act), provided that— (i) the authorisation imposes requirements to control, minimise or eliminate (as far as reasonably practicable) any noise or other forms of nuisance likely to result from the activity; and

(ii) the holder of an approval, consent, licence, permit, exemption or entitlement can effectively demonstrate that those requirements have been complied with.

Expiation Fees

The expiation fee for local nuisance is currently set at \$500 regardless of whether the alleged offender is a natural person or a body corporate and regardless of the scale of the nuisance caused. This expiation fee amount is not a sufficient deterrent for many local nuisance activities and is seen to be the 'cost of doing business' or it is simply so small compared to the scale of the nuisance that it has not impact. The cost of initiating prosecution proceedings can be prohibitive for councils in some circumstances. CoA requests that the expiation fee is appropriately scaled and increased to \$750 in the case of a natural person and \$2 500 in the case of a body corporate, or in the case of construction activities, is scaled to the estimated cost of the project.

For example, a \$40m development project receiving a \$500 expiation notice accounts for just 0.00125% of the cost of the development. It is absolutely no disincentive. For development projects which meet the threshold of \$10 million dollar value for a State Commission Advisory Panel Approval, the expiation amount could be set at \$10 000, which would result in a financial maximum impact of 0.1%

Additional Powers to deal with unsightly properties

The powers and mechanisms provided for within the LNL Act to deal with unsightly properties are generally suitable, however it would be helpful if a further offence expiation fee be included in Part 5 clause 30(2)(9). A further offence expiation fee may assist councils to deal with instances of continued nuisance caused by unsightly premises.

Adelaide 500 2020 Declarations Consultation

ITEM 7.5 17/09/2019
The Committee

2019/00690
Public

Program Contact:
Amy Pokoney, AD Community &
Culture 8203 7438

Approving Officer:
Clare Mockler, Deputy CEO &
Director Culture

EXECUTIVE SUMMARY:

Each year pursuant to powers provided under the *South Australian Motor Sports Act, 1984, Section 2(1)*, the Minister for Tourism may declare a specified Declared Area and Declared Period for the purposes of carrying out the Superloop Adelaide 500 event and a specified Prescribed Works Period, during which time Events South Australia, a part of the South Australian Tourism Commission (SATC) may have access to the land within the Declared Area for the purpose of carrying out the works for the event.

Before the Minister for Tourism can declare the area, period and Prescribed Works Period, he must first consult with the City of Adelaide and the Adelaide Park Lands Authority (APLA). This report details the proposed dates and areas for the purpose of consultation and the operational requirements that we will work with SATC to deliver during the Declared Period.

Since the 2017 event, the Prescribed Works Period has reduced by 30 days and the Declared Area has been reduced annually, notably within Rymill Park / Murlawirrapurka (Park14).

RECOMMENDATION:

THAT THE COMMITTEE RECOMMENDS TO COUNCIL

That Council:

1. Endorses the Declaration of the Declared Area, Declared Period and Prescribed Works Period for the purpose of conducting the Adelaide 500 2020 event.
2. Notes that the Adelaide 500 2020 Declaration Consultation is on the Declared Area, Declared Period and Prescribed Works Period only.

IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment – Creative The Adelaide Park Lands Management Strategy supports promoting the Park Lands as a visitor and tourist destination (Strategy 1.3.1).
Policy	The Community Land Management Plan (CLMP) for Victoria Park / Pakapakanthi (Park 16) recognises the Superloop Adelaide 500 event and the powers provided to SATC under the <i>South Australian Motor Sports Act, 1984</i> .
Consultation	There is a legislative obligation for the Minister for Tourism, through the SATC to consult with APLA and Council regarding the Declared Area, Declared Period and Prescribed Works Period for the Superloop Adelaide 500 event.
Resource	This activity will be facilitated within existing resources.
Risk / Legal / Legislative	Pursuant to powers provided under the <i>South Australian Motor Sports Act, 1984, Section 2(1)</i> , the Minister for Tourism may declare a Declared Area, Declared Period and Prescribed Works Period for the purpose of conducting the Superloop Adelaide 500 event each year.
Opportunities	We will continue to identify opportunities to enable greater public access to the Park Lands and support SATC in its objective to reduce the Prescribed Works Period.
19/20 Budget Allocation	Not as a result of this report.
Proposed 20/21 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	The Declarations referred to in this report are in reference to the Superloop Adelaide 500 2020 event only, with the end of the Declared Period proposed to be 29 April 2020.
19/20 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg maintenance cost)	Not as a result of this report.
Other Funding Sources	Not as a result of this report.

DISCUSSION

Background

1. The Superloop Adelaide 500 event is staged by Events South Australia, part of the South Australian Tourism Commission (SATC) each year pursuant to powers provided under the *South Australian Motor Sports Act, 1984*. Pursuant to Section 2(1) of the Act, the Minister for Tourism may declare:
 - 1.1. A specified area (consisting of public road or Park Land or both) in Adelaide, to be a Declared Area under the Act for the purposes of the event
 - 1.2. A specified period (not exceeding 5 days) to be a Declared Period under this Act for the purposes of the event
 - 1.3. A specified period or periods (Prescribed Works Period) under the Act during which SATC may have access to land within a Declared Area for the purposes of carrying out works in the manner contemplated by Section 22 (1a) (and different periods may be specified in respect of different categories of work).
2. On behalf of the Minister responsible for the *South Australian Motor Sport Act 1984*, the General Manager Adelaide 500 and Bridge Stone World Solar Challenge wrote to the Lord Mayor on 30 July 2019. The letter ([Link 1](#)) outlines the Declarations for the Superloop Adelaide 500 2020 event and was addressed to the Lord Mayor in her capacity as Lord Mayor of the City of Adelaide and as the Presiding Member of the Adelaide Park Lands Authority (APLA). A further letter of clarification ([Link 6](#)), dated 28 August 2019, was received noting an error of the Declared Period dates on the original letter.
3. The proposed Declared Area ([Link 2](#)) includes Victoria Park / Pakapakanthi (Park 16), King Rodney Park / Ityamai-itpina (Park 15), Rymill Park / Murlawirrapurka (Park 14) and public roads including Wakefield Road, East Terrace, Bartels Road, Hutt Street, Nil Street, Flinders Street and Dequetteville Terrace and Fullarton Road.
4. The Declared Period covers the event days as well as the day immediately prior to the event. The dates for the 2020 Superloop Adelaide 500 event are 20-23 February 2020, therefore the proposed Declared Period is 19-23 February 2020.
5. The Prescribed Works Period is proposed to commence on 2 December 2019 and conclude on 20 April 2020. This allows for disruptions caused by possible inclement weather, however SATC are committed to reducing their occupation of the Park Lands after the event where possible.
6. Feedback is being sought on the Declared Area, Prescribed Works Period and Declared Period only.
7. The deadline for feedback to the consultation on the proposed Declarations is 30 September 2019.

South Australian Tourism Commission

8. Following the State Government reform of its Boards and Committees in July 2014, it was identified that the functions of the South Australian Motor Sport Board (SAMSB) were to be transitioned into the South Australian Tourism Commission (SATC). The integration of the SAMSB with the SATC was implemented on 1 July 2015.
9. The legal obligations of the SAMSB were transferred to the SATC as the body corporate that is responsible for the management of the Superloop Adelaide 500 event.

Memorandum of Understanding (MOU)

10. A MoU between The City of Adelaide (CoA) and the SAMSB (now transferred to the SATC) has been in place since November 2013. This sets out the Principles and Shared Objectives between the CoA and the SATC.
11. The CoA and the SAMSB, worked together since 2012 to develop a set of operational attachments to assist in the delivery of the MoU's primary principles and shared objectives. These attachments were signed by both the CoA and the SAMSB on 10 July 2014.

Declared Area

12. The Declared Area for the Superloop Adelaide 500 2020 event, as provided by SATC, has changed slightly from the 2019 event. These changes are:
 - 12.1. Fence line along the western side of Hutt Street relocated to the eastern side of the footpath to allow public pedestrian access (formerly stakeholder access only).

- 12.2. Fence line along the southern side of Wakefield Road moved to the northern side of the footpath to facilitate public pedestrian access along Wakefield Road and improve accessibility to properties. Gate 4a will be relocated to East Terrace.
- 12.3. Realignment of the event boundary to the western side of the creek within Victoria Park/Pakapakanthi (Park 16) near the East Terrace entry (Gate 2).
- 12.4. Realignment of the event boundary along the Rose Garden path in Rymill Park / Murlawirrapurka (Park 14) to the southern side of the path to facilitate public pedestrian access.
- 12.5. Reduction to the length of road closure along Little Flinders Street from 154 meters to 69 meters.
- 12.6. Removal of Harvey Street from the Declared Area.
13. The Declared Area is shown in ([Link 2](#)).
14. The size and scale of the Declared Area is required to enable the safe and successful delivery of the Adelaide 500 event.
15. Public access to the Declared Area, in particular the main pathways, will be provided for as long as possible during the Prescribed Works Period, with restrictions to specific areas being managed in a staged approach.
16. This staged approach enables the parks to remain open and accessible by the public for a majority of the Prescribed Works Period.

Prescribed Works Period

17. The Prescribed Works Period is proposed to commence on 2 December 2019 and conclude on 20 April 2020.
18. The Prescribed Works Period allows for disruptions caused by possible inclement weather, however SATC have usually vacated the park before the end of the Period. In 2019, the last section of Victoria Park / Pakapakanthi (Park 16) was re-opened to the public two weeks early.
19. SATC are committed to reducing their occupation of the Park Lands and since the 2017 event the Prescribed Works Period has reduced by 30 days.
20. If the Prescribed Works Period was to be significantly reduced, this may potentially result in the whole Declared Area being fenced as a work site in order to meet safe working standards for both the public and workers on the site, further restricting access to park users.

Regular Operational Meetings

21. Fortnightly operational meetings between administration and SATC occur during the Declared Works Period. Meetings are scheduled monthly throughout the year, outside of the Works Period.
22. Representation from Council includes Event Management and Infrastructure Management. SATC representation includes Adelaide 500 Event Management, Engineering and General Manager Motor Sport.

Management Agreement Area and Native Grass Restoration Site

23. In 2012 Council and the Minister for Sustainability, Environment and Conservation entered into a management agreement under the Natural Resources Management Act 2004 for an area of native vegetation in Victoria Park / Pakapakanthi (Park 16).
24. The location of the Native Vegetation Management Area, enclosed by a low lying fence which restricts vehicle access but allows pedestrian access, is shown in [Link 3](#).
25. In 2013 an additional Native Grass Restoration Site was established immediately south of the Native Vegetation Management Area. The location of this area is also shown in [Link 3](#)
26. Clause 5.1.4 of the Native Vegetation Management Agreement obliges Council to make third parties aware of the agreement.
27. Previously SATC have agreed to secure the unfenced Native Grass Restoration Site, the unfenced Chequered Copper Butterfly Habitat and the pedestrian access of the Native Vegetation Management Area during the Prescribed Works Period and Declared Period. However, due to contractors no longer utilising the southern end of Victoria Park / Pakapakanthi (Park 16) during the Prescribed Works Period, this is no longer required. If it is deemed necessary due to resumed contractor vehicle movements in the southern half of the park, CoA will work with SATC to reinstate physical barriers to the unfenced Native Grass Restoration Site and unfenced Chequered Copper Butterfly Habitat.

Sensitive Fauna Habitat Area

28. The Chequered Copper Butterfly and its caterpillar food plant were found in Victoria Park / Pakapakanthi (Park 16) in 2011. This butterfly species is not formally protected or listed as threatened under State or Federal legislation however it is considered rare and of biological significance by butterfly experts and ecologists.
29. Since 2011 Council has taken steps to protect this habitat from the impacts of the Victoria Park / Pakapakanthi (Park 16) redevelopment and the Adelaide 500 event. The extent of the primary habitat for the Chequered Copper Butterfly has been mapped and is shown in [Link 3](#).
30. Due to contractors no longer utilising the southern end of Victoria Park / Pakapakanthi (Park 16) during the Prescribed Works Period, the Chequered Copper Butterfly area does not require bunting to protect it from vehicle and pedestrian movements.

Criterion Track and Cycling Events

31. SafeWork SA undertook a review of site safety as part of the 2011 event and as result of that review, worksites within the Declared Area are now fenced during intensive activity to ensure public safety and compliance with Work Health Safety requirements.
32. In 2012 a new section of Criterion Track was completed which again enabled cycling events to occur during the majority of the Superloop Adelaide 500 Prescribed Works Period.
33. SATC agrees to accommodate Criterion Track race bookings three (3) weeks prior to the event and four (4) weeks following the event.
34. SATC continue to provide timely advice to administration and the cycling associations as to the periods when cycling can be programmed on the Criterion Track during the Prescribed Works Period.

Path Access Restrictions

35. SATC have continued to work on making improvements to pedestrian and cyclist access in the Declared Area during the Prescribed Works Period. The staged build methodology that was implemented in 2014 has also assisted in keeping pedestrian and cyclist access open for longer periods, with the erection of fencing, and particularly the closing of sections, left as late as possible to maintain public access to the Park Lands.
36. The two (2) east-west footpaths through Victoria Park / Pakapakanthi (Park 16) between Fullarton Road and Halifax Street will remain open for as long as possible during the Prescribed Works Period ([Link 4](#)). The southern east-west path will be open at all times, except for the five (5) Declared Period days and for short periods during high-risk construction works undertaken adjacent to the track. This will be subject to discussions with Safework SA, and City of Adelaide administration will be kept informed.
37. SATC develop an event signage plan that informs users of the Park Lands of access changes, path closures times and dates as well as alternative access routes.

Remediation

38. Assessment and remediation (at the cost of the SATC) of the area impacted by the Superloop Adelaide 500 event occurs in a staged approach as infrastructure is removed.

Other Major Events

39. The World Solar Challenge 2019 and Australian International Three Day Event 2019 (AI3DE) will be held at different times in Victoria Park / Pakapakanthi (Park 16), prior to the commencement of the Prescribed Works Period.
40. Polo in the City 2019 and MRASA Toy Run 2019 will be held inside the Declared Area during the Prescribed Works Period.
41. Costs associated with remediation of any areas of the Park Lands that is required as a result of the AI3DE, MRASA Toy Run and Polo in the City will be borne by those event organisers.

Adelaide Park Lands Management Authority (APLA)

42. APLA participated in the Superloop Adelaide 500 2020 Declarations Consultation at its 22 August 2019 meeting, where it supported the Declaration of the Declared Area, Declared Period and Prescribed Works Period for the purpose of conducting the Adelaide 500 2020 event.
43. Discussion at the meeting regarding the protection of the native grass area and habitat and reduction of construction time have been addressed in this report.
44. Data relating to the economic benefit of the event has been produced by SATC and can be seen in this infographic [Link 5](#).

ATTACHMENTS

Nil

- END OF REPORT -